

CHARLES C. KOKOROS  
President  
District 1

LELAND A. DINGEE  
At Large

SEAN E. POWERS  
At Large

CHARLES B. RYAN  
At Large

JOHN C. MULLANEY  
District 2



THOMAS M. BOWES  
Vice President  
District 3

HENRY N. JOYCE  
District 4

RONALD E. DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### - AGENDA -

**February 26, 2013** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30<sup>PM</sup>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### ROLL CALL

#### CORRESPONDENCE

#### ANNOUNCEMENTS

- 004 13 Council President: Sustainable Braintree – 5<sup>th</sup> Annual Green Gala

#### APPROVAL OF MINUTES

- February 5, 2013

#### CITIZEN CONCERNS/COUNCIL RESPONSE

#### OLD BUSINESS

##### Committee on Ways & Means

##### (PUBLIC HEARING)

- 13 002 Mayor: Request for Appropriation – Community Preservation Fund: Monatiquot Riverwalk

##### Committee on Ordinance & Rules

##### (PUBLIC HEARING)

- 12 049 Hancock Street Realty Trust – Petition to Rezone 107 Hancock Street from Residence B to General Business

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 005 13 Mayor: State of the Town Address
- 008 13 Council President: Resolution in Support of the Preservation of Tax-Exempt Financing

## NEW BUSINESS

**Topics the Chair does not reasonably anticipate will be discussed**

## ADJOURNMENT

- Next Council Meetings: **Tuesday, March 5, 2013 @ 7:30pm**

## ***Sustainable Braintree's Green Gala***

***Sustainable Braintree's Fifth Green Gala Celebration and Fundraiser*** will be held on March 2, 2013. The Green Gala will be held at the Cahill Auditorium in Braintree Town Hall and will feature a buffet dinner catered by Anthony Columbus, music by the Renato Malavasi Quartet, dancing, and fabulous door prizes. In addition, the comedy of Paul D'Angelo will be featured this year. It is sure to be an elegant evening full of fun and entertainment. This event is the major fundraiser for Sustainable Braintree. Sustainable Braintree utilizes fundraising proceeds to support the organization's on-going initiatives, including student scholarships, teacher grants, the Braintree Farmer's Market, Community Garden, Energy and Recycling programs, and community education. Tickets are \$50.00. To purchase tickets for the Gala, please visit the Sustainable Braintree website, <http://www.sustainablebraintree.org> or call Kathy at 781 929 2455. Tickets for the Gala will also be sold at the Rockland Trust Bank, 100 Washington Street, Braintree, MA. Donations can be made online or by mail to Sustainable Braintree, 1 JFK Memorial Drive, Braintree, MA 02184.

CHARLES C. KOKOROS  
President  
District 1

LELAND A. DINGEE  
At Large

SEAN E. POWERS  
At Large

CHARLES B. RYAN  
At Large

JOHN C. MULLANEY  
District 2



THOMAS M. BOWES  
Vice President  
District 3

HENRY N. JOYCE  
District 4

RONALD E. DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### February 5, 2013

## MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, February 5, 2013 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President  
Thomas Bowes, Vice President  
Leland Dingee  
Sean Powers  
Charles B. Ryan  
John Mullaney  
Henry Joyce  
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Joseph Powers, Town Clerk  
Eric Kinsherf, Town Auditor

### **CORRESPONDENCE**

None

### **ANNOUNCEMENTS**

- **004 13 Council President: Sustainable Braintree – 5<sup>th</sup> Annual Green Gala**
- **Council President: Joe Zarella/Dr. Kurzberg**
- **Councilor Joyce: Youth Center Open House**

**APPROVAL OF MINUTES**

- **January 22, 2013**

**Motion:** by Councilor Bowes to approve minutes of January 22, 2013

**Second:** by Councilor Ryan

**Discussion:** Councilor Joyce pointed out corrections on votes on pages 6 and 7

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

**CITIZEN CONCERNS/COUNCIL RESPONSE**

None

**OLD BUSINESS**

**Committee on Ways & Means and Committee on Ordinance & Rules**

**(CONTINUATION OF PUBLIC HEARING)**

- **12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation**

**Motion:** by Councilor Ryan to open public hearing on Order 12 035

**Second:** by Councilor Clifford

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

Councilor Clifford, Chairman of the Ways & Means Committee, reported that the committee has recommended favorable action on a salary level of \$125,000. Councilor Clifford commented that members need to be mindful of their fiduciary responsibilities to the taxpayers; assure that the salary recommendation is fair, equitable, and competitive; and, identify any unintended consequences of the final recommendation.

Eric Kinsherf, Town Auditor, explained that he was asked to evaluate each of the salary recommendations to identify any unintended financial consequences. Mr. Kinsherf noted that the initial salary recommendation of \$130,000 has a potential unintended financial consequence of approximately three million dollars; assuming, during contract negotiations, a salary increase is given equal to the percentage given to the Mayor. The Ways & Means Committee recommendation of \$125,000 has a potential unintended financial consequence of approximately two million dollars; while, the Ordinance & Rules recommendation of \$123,225 has a potential unintended financial consequence of approximately a million and a half dollars.

Councilor Clifford commented that the data shows the salary increase for the Mayor should be \$117,890. This level would be on par with that had been given to all Town employees.

Committee on Ordinance & Rules Chairman, Councilor Powers, reported that the Committee has recommended a salary proposal presented by Councilor Dingee which moves the Mayor from the M26E level to the M28E level of the Non-BPMA scale; providing for a salary of \$123,225.

Councilor Dingee explained in presenting his proposal he was trying to keep the politics out of the Mayor's salary increase. After the Committee had voted favorably on his proposal the Town Solicitor has advised his that the proposal would require that it be advertised prior to any vote on adoption of this plan.

Vincent Joyce, resident, commented that he was in support of a salary of \$125,000 for the Mayor.

Brian Muello, resident, stated he was not in favor of increasing the Mayor's salary from its current level. He said \$105,000 was ample for a town this size.

Councilor President Kokoros asked if any member of the Council or public had any other comments they would like to present. No one came forward.

**Motion:** by Councilor Ryan to close public hearing on Order 12 035

**Second:** by Councilor Powers

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

Council President Kokoros asked that the Town Clerk, Joseph Powers, explain the voting procedure as outlined in an email provided by the Town Solicitor.

Mr. Powers explained that the highest salary recommendation would need to be voted on first before the next highest salary recommendation could be presented. Once a salary recommendation had a majority vote of the members that salary amount would then be adopted for the Mayor's salary. Mr. Powers noted that Robert Rules offers an alternate way the motion could be made; "Blank Motion". The overall motion is the same except that the dollar amount is left blank. Any member can fill in the blank with a salary amount however; the amount could not exceed the advertised amount of \$130,000. The amount presented does not require a second. Once all members had the opportunity to present a salary amount then the highest amount would fill the blank. Members would then vote that amount to fill the blank, and, if accepted, then the full motion would be in order for a council vote. If the amount to fill the blank did not receive a majority vote, then the next highest amount would be offered. The process would be repeated until a salary amount receives a majority amount or until all salary amounts presented were exhausted.

Council President Kokoros stated to members if there are no objections to the blank motion process then he would entertain dollar amounts from members. There were no objections.

**Motion:** by Councilor Mullaney to accept blank motions

**Second:** by Councilor Ryan

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

Councilor Mullaney offered the Committee on Ways & Means recommendation of \$125,000.

Councilor Dingee offered the Committee on Ways & Means recommendation of \$123,225.18.

Councilor Clifford offered a salary recommendation of \$117,890.

Council President Kokoros asked members if there were any other amounts to be presented. No member offered an amount.

The Clerk of the Council, following Roberts Rules for “blank motions”, asked members, on a roll call vote, on inserting \$125,000 as the blank motion.

Councilor Kokoros	Yes	Councilor Dingee	No
Councilor Powers	No	Councilor Ryan	Yes
Councilor Mullaney	Yes	Councilor Bowes	Yes
Councilor Joyce	Yes	Councilor DeNapoli	Absent
Councilor Clifford	No		

Motion carries on a vote of 5-For, 3-Against, 2-Absent.

On the main motion, read by Council President Kokoros:

At the request of Councilor John C. Mullaney, that the Town Council vote to amend the Municipal Code for the Town of Braintree, Title 2 of the Town’s Ordinances by amending, Chapter 2-200, Mayor, Section 2.200.010 – Powers, In General by deleting the existing paragraph C, which currently states: replacing “Effective January, 2010, the Mayor shall receive an annual salary of \$105,261.53.” and inserting a new paragraph C that states: with “Effective January, 2014, the Mayor shall receive an annual salary of **\$125,000.00.**”

**Motion:** by Councilor Bowes to approve as read

**Second:** by Councilor Ryan

**Vote:** For (6), Against (2-Clifford, Powers), Absent (1-DeNapoli)

Councilor Mullaney for a vote of unanimity

**Motion:** by Councilor Mullaney

**Second:** by Councilor Ryan

**Vote:** For (7), Against (1-Powers), Absent (1-DeNapoli)

Vote of unanimity does not carry.

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

None

### NEW BUSINESS

- 13 003 Mayor: Release Deed for 30 Howard Court – Carole and Kevin Mahoney

A request for same night action was requested by the Town Solicitor.

Council President Kokoros informed members if there are no objections Order 13 003 will be taken up as same night action. No members objected.

Councilor Ryan read the following motion

Upon request of his Honor, Mayor Sullivan, the Town of Braintree, through the Braintree Town Council vote to approve the Release Deed conveying a certain parcel of land situated in Braintree, Norfolk County, Massachusetts, being shown as Lot 2 on a plan entitled "Subdivision Plan of Land," prepared by John F. Fehan, Town Engineer, dated October 28, 1975 recorded with Norfolk County Registry of Deeds in Book 5251, Page 688 and more particularly bounded and described as follows:

**EASTERLY** by Howard Court, Seventy-Eight and Twenty-Two Hundredths (78.22) feet;

**SOUTHERLY** by Lot 1 shown on said plan, Ninety-Seven and Thirty-Seven Hundredths (97.37) feet;

**WESTERLY** by land now or formerly of DeLeo, Ninety-One and Twenty-Six Hundredths (91.26) feet; and

**NORTHERLY** by Lot 3 shown on said plan, One Hundred Eleven and Thirty-One Hundredths (111.31) feet.

Said Lot 2 contains 8,805 square feet according to said plan.

Further, the Mayor is authorized to execute said deed and to take any action necessary to carry out this vote.

**Motion:** by Councilor Bowes to approve Order 13 003

**Second:** by Councilor Ryan

**Vote:** For (8), Against (0), Absent (1-DeNapoli)

## **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 8:55p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## **Documents provided for Meeting**

- January 22, 2013 Minutes
- 12 035 Councilor Mullaney: Amendment to Title 2, Chapter 2-200, Mayor, Section: 2.200.010 Powers, In General relative to Mayors' Compensation
- 13 003 Mayor: Release Deed for 30 Howard Court – Carole and Kevin Mahoney



# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

# 1 3 - 0 0 2

Joseph C. Sullivan  
Mayor

781-794-8100

To: Charles Kokoros, President of the Town Council  
Clerk of the Council  
Town Clerk

CC: Community Preservation Committee  
Dave Oliver, East Braintree Civic Association

From: Joseph C. Sullivan, Mayor *JCS*

Date: January 16, 2013

RE: Request for Appropriation – Community Preservation Fund



On December 10, 2012, the Community Preservation Committee voted unanimously in support of funding for the creation of the Watson Park section of the Monatiquot Riverwalk. As the attached materials reflect, the Town has been working with the National Park Service to develop the riverwalk. The Monatiquot Riverwalk will begin with a path off Gordon Road, adjacent to the baseball diamond closest to Quincy Avenue, extending towards the Fore River and running along the Fore River to the last baseball diamond and proposed splash pad, where the path will turn towards Gordon Road and connect to the Frank Toland Walkway. The attached memorandum from Kelly Phelan, the Town's Conservation Planner, details the pathways, signage, landscaping and benches to be incorporated into the riverwalk, along with the associated cost. Labor for the construction of the riverwalk will be performed by our Department of Public Works. Our goal is to accomplish this project this year.

The Monatiquot Riverwalk will maximize the use and enjoyment of our Town's precious waterfront and will be a treasure to our community in the years to come. I fully support the Community Preservation Committee in this endeavor and request favorable action on the following motion.

**MOTION:** Pursuant to the recommendation of the Community Preservation Committee and in accordance with the provisions of General Laws Chapter 44B, that the sum of \$21,000.00 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of funding the purchase of materials, including but not limited to, signage,

benches and landscaping related to the creation of the Watson Park section of the Monatiquot Riverwalk. Said funds are to be expended under the direction of the Community Preservation Committee and the Director of Planning and Community Development.



## Department of Planning and Community Development

90 Pond Street  
Braintree, MA 02184  
781 794-8230

Christine Stickney, Director  
Melissa M. Santucci, Principal Planner  
Kelly Phelan, Conservation Planner

Mayor Joseph C. Sullivan

To: Community Preservation Committee  
From: Kelly Phelan  
Date: December 10, 2012  
RE: Monatiquot Riverwalk – Watson Park

The Riverwalk proposal submitted to the committee in February was based on technical assistance from the National Park Service. Since that time, we have been working with the Braintree Department of Public Works to fine-tune the project and we have a few revisions, discussed below. Also, the splash pad project at Watson Park is expected to begin this spring. That project includes a section of path coming from Gordon Rd. to the splash pad which will tie into the Riverwalk. Please see the attached map.

The Planning & Community Development Departments requests the Community Preservation Committee consider moving ahead with the Riverwalk project at this time so that construction can be coordinated with the splash pad project in the spring.

### Path

One major change that has occurred is that the DPW agreed to construct the path rather than having a contractor do it. Another change is that both the DPW and Planning Department feel that a stone dust path is more desirable (because it is nicer to walk on) than the compacted gravel originally proposed. The Engineering Department calculated the amount of material needed to provide an 8 foot wide path through the park to the Toland Walkway. Approximately 763 tons of stone dust are needed. The Town is in a regional consortium which bids on commonly used materials in public works projects. The consortium price from the low bidder for stone dust is \$13.90/ton delivered to Braintree. The table below includes the project budget.

### Signage

Proposed signage includes a sign identifying the Riverwalk at the entrance from Gordon Rd. This will be the same material and design as the sign identifying the Toland walkway at the other end of the park. Along the path, two map boards will provide information. One board will be located at the wildflower meadow (to be created as mitigation for the splash pad project) to explain what is growing there and how it provides habitat for butterflies and pollinators. The

other board will replace the existing metal map board at and provide similar information on the Fore River fish migration.

Benches

Two benches are proposed along the path. The Recreation Department Director, Nelson Chin, recommended that the benches which the Town has recently installed at other locations (Town Hall mall and the West St. water tower park) be used at this location. For consistency, the Town would like to use these benches at the park.

Landscaping

At the site walk on December 1<sup>st</sup>, committee members raised concern about erosion in one area of the park adjacent to the path layout and suggested stabilizing the area with vegetation. The proposal now includes a line item for plant material. The eroded slope will be re-graded to a 2:1 slope and planted with a thicket-forming type of shrub common in tidal areas such as northern bayberry (*Myrica pensylvanica*), Virginia rose (*Rosa virginiana*) or beach plum (*Prunus maritima*).

Budget

The Engineering Department calculated the amount of material needed to provide an 8 foot wide path through the park to the Toland Walkway. Approximately 763 tons of stone dust are needed. The Town is in a regional consortium which bids on commonly used materials in public works projects. The consortium price from the low bidder for stone dust is \$13.90/ton delivered to Braintree. The table below includes the project costs.

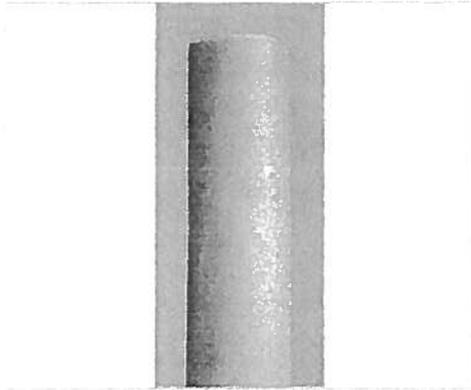
Item	Quantity	Price	Shipping	
Stone dust	763 tons	\$13.90/ton		\$10,605.00
Landscape fabric	6 rolls (1500' x 4')	\$219.90/roll		\$ 1315.74
Informational signage boards	2 boards	\$573/board	\$92.50	\$ 1238.50
Printing	2 signs for message boards	\$100/sign		\$ 200.00
Entrance sign	1	\$200		\$ 200.00
Benches	2	\$992/bench	\$260	\$ 2244.00
Plant material	30 shrubs	\$30/shrub	\$100	\$ 1000.00
Contingency		\$4000		
				\$20,803.24

SS 2010-PW1 Earth Materials - Contract Extension Pricing 2012

Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered
North Group	Gravels - Bank Run 10A	Gravels - Crushed Bank 10A	Gravels - Packed Type 10A	Loam 10B	Ordinary Borrow 10C	Recycled Mat'l by Tri-Axle 10D	Recycled Mat'l by 10Wheeler 10D	Sand Washed 10E	Sand Borrow 10E		
Braintree	\$10.00/TN	\$11.50/TN	\$10.75/TN	\$13.85/CY	\$8.88/TN	\$148.00/EA	\$135.00/EA	\$13.90/TN	\$8.00/TN		
Cohasset	\$10.00/TN	\$11.50/TN	\$10.75/TN	\$13.85/CY	\$8.88/TN	\$148.00/EA	\$135.00/EA	\$13.90/TN	\$8.00/TN		
Hingham	\$10.00/TN	\$11.50/TN	\$10.75/TN	\$13.85/CY	\$8.88/TN	\$148.00/EA	\$135.00/EA	\$13.90/TN	\$8.00/TN		
Hull	\$10.00/TN	\$11.50/TN	\$10.75/TN	\$13.85/CY	\$8.88/TN	\$148.00/EA	\$135.00/EA	\$13.90/TN	\$8.00/TN		
Milton	\$10.00/TN	\$11.50/TN	\$10.75/TN	\$13.85/CY	\$8.88/TN	\$148.00/EA	\$135.00/EA	\$13.90/TN	\$8.00/TN		
LOW BIDDER	P.A. Landers	P.A. Landers	P.A. Landers	T.L. Edwards	G. Lopes	P.A. Landers	P.A. Landers	T.L. Edwards	T.L. Edwards		

Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered	Delivered
North Group	Stone 3/8" Washed 10F	Stone 1/2" Washed 10F	Stone 3/4" Washed 10F	Stone 1-1/2" Washed 10F	Stone 2" Washed 10F	Stone Dust 10F	Stone 6" - 10" Rip Rap 10F			
Braintree	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$17.50/TN	\$13.90/TN	\$18.25/TN			
Cohasset	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$17.50/TN	\$13.90/TN	\$18.25/TN			
Hingham	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$17.50/TN	\$13.90/TN	\$18.25/TN			
Hull	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$17.50/TN	\$13.90/TN	\$18.25/TN			
Milton	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$16.94/TN	\$17.50/TN	\$13.90/TN	\$18.25/TN			
LOW BIDDER	G. Lopes	G. Lopes	G. Lopes	G. Lopes	G. Lopes	G. Lopes	G. Lopes			

Your Store:  
Quincy, MA



### ProMat ProMat 6000 sq ft Professional Landscape Fabric

Item # 395246 | Model # 27075

★★★★★

**\$219.29**

No staples included

Do you have a question about this product?

**FREE Store Pickup**  
Your order will be ready for pickup from Lowe's Of Quincy, MA by 12/03/2012

**Lowe's Truck Delivery**  
Your order will be ready for delivery to you from Lowe's Of Quincy, MA by 12/03/2012

**Parcel Shipping**  
**Unavailable for This Order**  
Sent by carriers like UPS  
FedEx USPS etc

ProMat ProMat 6000 sq ft Professional Landscape Fabric **\$219.29**

#### Description

ProMat 6000 sq ft Professional Landscape Fabric

- Strong point-bonded fabric
- Saves from weeding maintenance
- Use in permanent landscape areas
- Use under decks, pavers and walkways

#### Specifications

Series Name	ProMat	Material	Polypropylene
Square Foot Coverage	6000 0	UV Resistant	Yes
Length (Feet)	1500 0	Ideal for Annual Flower Gardening	No
Width (Feet)	4 0	Ideal for Annual Vegetable Gardening	Yes
Grade	Professional	Ideal for Perennial Beds and Shrubs	Yes
		Ideal for Patio/Playground Underlayment	Yes

© 2012 Lowe's. All rights reserved. Lowe's and the gable design are registered trademarks of LF, LLC

$$3817 / 1500 = 2.54 \times 2 \text{ (4' width rolls)} = 5.08 \text{ rolls}$$

$$6 \text{ roll @ } 219.29 = \$1315.74$$



sign up

sign up

Search Products

Home > Park Products And Amenities > Supersaver Park And Patio > Observation Message Center

SuperSaver Products

- Picnic Tables
- Park Benches
- Memorial Benches
- Waste Receptacles
- Cigarette Receptacles
- Speed Bumps and Humps
- Wheel Stops Parking Blocks
- Message Centers
- Bike Racks
- Shelters
- Umbrellas
- Signs

Traffic Safety

- Parking Lot Products
- Barriers, Barricades & Crowd Control

Mats & Flooring

Logo Mats

Planters

Building Maintenance

Patio and Cafe Furniture

Event Tables and Chairs

Beach and Pool Furniture

Safety Products

Park Products and Amenities

Park Grills and Fire Rings

Bleachers

Flags

On Sale Now

New Products

Best Sellers

Website Specials



1-800-338-2697  
M-F 7AM to 5PM CST

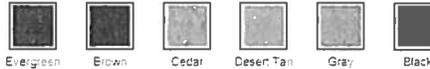


## Observation Message Center

product description

- Handy case to display information about historic sites, scenic views, etc.
- Bulletin board slides in and out of hinged opening for easy posting access
- Secure contents with padlock (not included) and stainless steel hasp
- Sealed acrylic glass window in recycled plastic frame
- Stainless steel hardware
- Made from durable recycled plastic
- Optional recycled rubber tackboards tack better and last longer than cork and are weatherproof, washable & easy to maintain.
- Guaranteed against breakage for 50 years

available colors



Model:

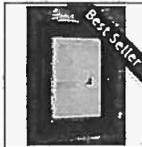
Add item to cart for shipping quote or use the shipping estimator below

Usually Ships in 2-3 weeks

product models

Model #	Model Name	Model Dimensions	Weight	Price
KMC9000	Inground Mount	32" l x 3.5" d x 24" h case 28" w x 20.5" h viewing area 4" x 4" x 48" posts	59 lbs	<del>\$655.00</del> <b>\$573.00</b>
KMC9002	Surface Mount	32" l x 3.5" d x 24" h case 28" w x 20.5" h viewing area 4" x 4" x 32" posts	78 lbs	<del>\$775.00</del> <b>\$671.00</b>
KMC9315	Optional Recycled Rubber Tackboard UPGRADE		lbs	<del>\$50.00</del> <b>\$46.00</b>

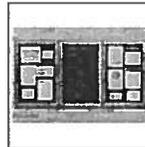
related products



Menu Enclosures  
\$18.00 to \$354.00



Mini Message Centers  
\$19.00 to \$451.00



Bulletin Board Enclosures  
\$406.00 to \$1,610.00

additional options & information

- Estimate Shipping Cost
- Save Product to Favorites (Wish List)
- Email Product Information to a Friend
- Ask a Question about this Product
- Printer Friendly Product Page
- Write a Review about this Product

+ shipping \$92.50 total

### On Sale Now

#### Soll Guard™ Rubber Matting



Priced At  
**\$82.80**

View

- High/Low design cleans slush, snow and grime
- Entrance mat's durable compound stands up to weather
- Easy to clean, just shake off
- 1/4" thickness

### New Items

#### BarcoMaid™ Prest Receptacles



Prices Range  
**\$135.00 -**

View

- Stylish array of black powder coated steel receptacle
- Upscale brushed stainless tops
- Protective trim and base people and property
- Recessed hand grips for handling
- Each receptacle complements galvanized steel liner

### Best Sellers

#### Waterhog™ Eco Gri Premier Mat - One Sunburst End



Prices Range  
**\$119.74 - \$1,161.50**

View

- Eco-friendly mat design friendly
- Guaranteed to keep the in your mat, not on you
- Most effective and attractive floor mat available today
- Unique diamond shaped capped with attractive 'Sunburst'

- Submit Website Feedback
- View All Testimonials
- Submit A Testimonial



Product Categories	Buyer's Guide	Information
SuperSaver Products	Anti Fatigue Mats	Home
Park Benches	Cigarette Butt Receptacles	About Us
Waste Receptacles	Floor Matting	Customer Service
Speed Bumps and Humps	Park Benches	Receive Special Offers
Message Centers	Parking Blocks	My Account
Shelters	Parking Lot Supplies	Sitemap
Signs	Picnic Tables	Contact Us
Parking Lot Products	Recycled Plastic Products	Testimonials
Mats & Flooring	Speed Bumps	Catalog Request
Planters	Trash Receptacles	Logo Proofs
Patio and Cafe Furniture		Terms & Privacy Policy
Beach and Pool Furniture		
Park Products and Amenities		
Picnic Tables		
Memorial Benches		
Cigarette Receptacles		
Wheel Stops Parking Blocks		
Bike Racks		
Umbrellas		
Traffic Safety		
Barriers, Barricades & Crowd Control		
Logo Mats		
Building Maintenance		
Event Tables and Chairs		
Safety Products		
Park Grills and Fire Rings		



93 West Street  
P.O. Box 650  
Medfield, MA 02052  
SDO CERTIFIED WBE

Date: December 7, 2012  
Job: Watson Park  
Location: Braintree, MA  
Salesperson: Nancy A. White, CPRP, CPSI, V.P. of Sales  
*Nancy\_White@obrienandsons.com*  
Attn: Kelly Phelan  
Tel.: 781-794-8233  
E-mail: *kphelan@braintreema.gov*

Corporate Office: 800-835-0056 • Telephone: 508-359-4200 • Fax: 508-359-2817  
Web: *www.obrienandsons.com* • Email: *mail@obrienandsons.com*

# QUOTATION

We are pleased to offer our quotation on the following for the above subject job:

QTY.	MODEL #	DESCRIPTION	TOTAL
2	131-60PL	6' Long Recycled Plastic Slats Bench by DuMor	\$1,984.00
		Freight:	\$ 260.00
<b>TOTAL DELIVERED:</b>			<b>\$2,244.00</b>

Date: \_\_\_\_\_ Signature of Approval: \_\_\_\_\_

Purchase Order #, if applicable \_\_\_\_\_ Printed Name: \_\_\_\_\_

Ship to business name \_\_\_\_\_

Ship to address \_\_\_\_\_

Contact Name \_\_\_\_\_ Telephone \_\_\_\_\_

Bill to business name \_\_\_\_\_

Bill to address \_\_\_\_\_

Contact Name \_\_\_\_\_ Telephone \_\_\_\_\_

Need color of slat \_\_\_\_\_ Need support option \_\_\_\_\_

Need frame color \_\_\_\_\_

**IMPORTANT NOTES:**

- ❖ Customer is responsible for quantity confirmation
- ❖ Pricing on this product is valid for 30 days only, due to the erratic cost of steel at the present time. Prices are subject to review thereafter.
- ❖ Prices based on quantities listed. Any change to quantities may impact prices quoted. The above prices are f.o.b. your specified destination and are for materials only unless otherwise noted.
- ❖ Prices do not include off-loading, sales tax, resilient surfacing, lift gate, assembly or installation, unless specifically listed in item description.
- ❖ If ordered, upon receipt of equipment, please inspect the entire delivery carefully making note on the delivery receipt of ANY damage so that a freight claim can be filed if damage is found after opening the packages.
- ❖ Prices are not using prevailing wages unless otherwise specified.
- ❖ Standard manufacturer's colors, design, specifications, and construction apply, unless specifically noted in description.
- ❖ Our terms are: **To Be Determined** - First order requires 50% deposit & execution of credit application.
- ❖ Retainage does not apply as we are a material supplier only.
- ❖ Please allow **7 to 8 weeks** for delivery after receipt of order and architectural approval should it be required.
- ❖ No back charges will be honored unless express written approval has been issued by O'Brien & Sons and price has been agreed on before execution of remedy. Failure to do so will void any obligation of payment toward said remedy on the part of O'Brien & Sons and could result in termination / suspension of your credit / account.
- ❖ Restocking fees will apply on returned items.

If we can be of further assistance, please feel free to contact us. *Thank you!*

# Trail to Smith Beach

**Pedestrians Only.**

**No Bikes, ATVs or Scooters**

In 1975, "Swift's Beach" was renamed as  
"Lt. G. Murrey Smith Beach"  
to honor this Braintree  
deceased WWII veteran.

This Trail is Part of the  
"Braintree Greenway System"

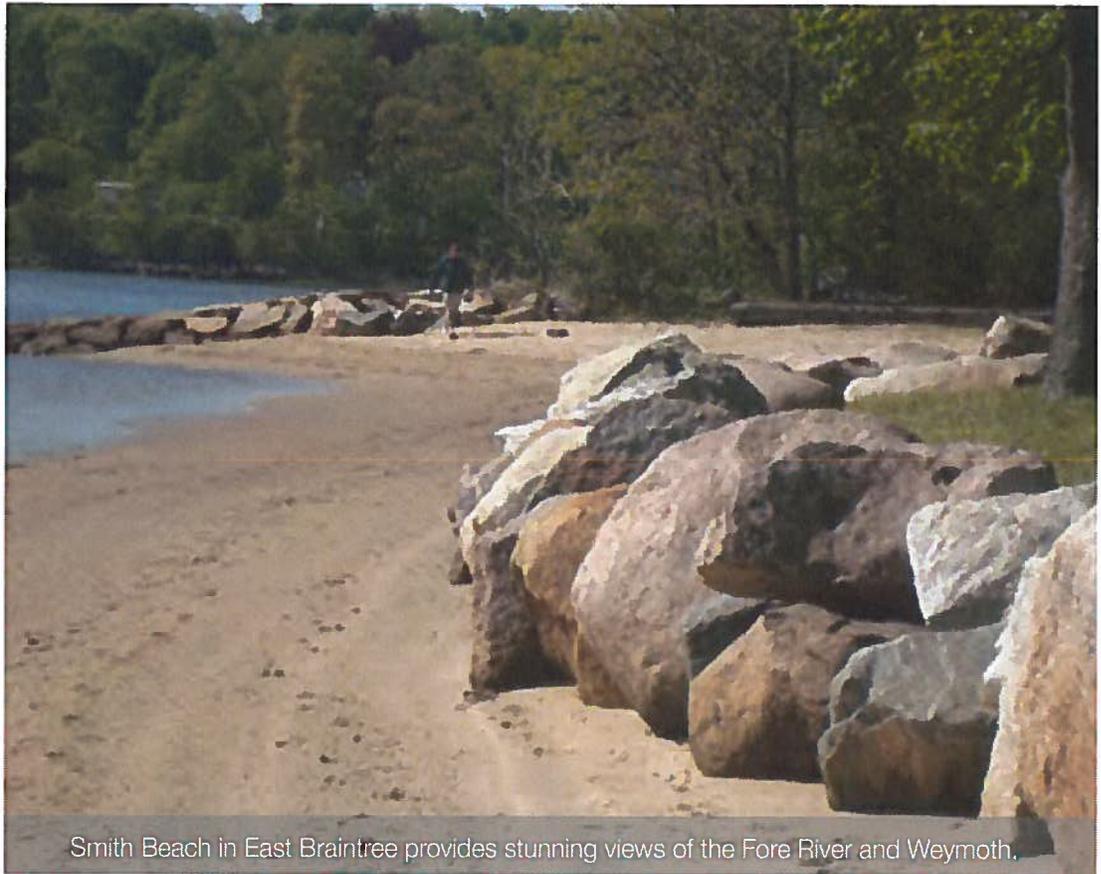
Dedicated: August 2001

Braintree Beach and Greenway



# MONATIQUOT RIVERWALK

A new *Monatiquot Riverwalk* in East Braintree will enable greater public access to the beautiful waterfront and will connect existing segments of the river's edge.



Smith Beach in East Braintree provides stunning views of the Fore River and Weymouth.

## Connecting neighbors and nature a riverwalk vision

From January to May 2010, volunteers from the non-profit Community Design Resource Center-Boston conducted a series of public forums in East Braintree.

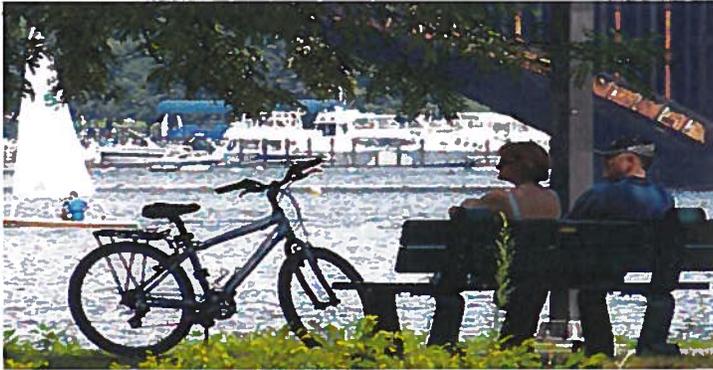
The short-term purpose of the meetings were to get a sense of the aspirations and concerns of the surrounding residents and to identify community-based priorities for the Braintree Electric Light Department's Allen Street site.

The long term objective of the engagement was to enable the redevelopment of a vacant, former industrial property to proceed into a vibrant and economically-feasible community asset.

The effort concentrated on the 1.6 acre parcel. Meetings were held in the Watson Recreation Building across Quincy Avenue from the site.

### Community Principles

- Showcase the Monatiquot River's natural beauty
- Connect the river, existing park, and BELD site into a cohesive "place"
- Provide public access and parking
- Create a quiet, beautiful setting
- Utilize salvageable existing buildings (when possible)
- Incorporate traffic calming techniques
- Maintain Allen St. views
- Create community assets and economic viability



Above: The East Braintree community identified the need for greater recreation opportunities, quiet places of respite, and a continuous promenade.

## Neighborhood revitalization festivals, markets, and recreation

East Braintree's Montatiquot Riverside and Weymouth Landing provide a potential hub of **environmental, cultural, and economic activities**. Opportunities exist to enhance connectivity between the Watson Park, the Watson Recreation Building, Braintree and Metropolitan Yacht Clubs, and the new MBTA commuter rail station.

A riverwalk and waterfront community will enable **greater public access** to the river's edge and resources. In addition to future investments and conservation activities, East Braintree's waterfront represents some of the **last vestiges of maritime** and manufacturing and is therefore culturally and historically significant.

The Monatiquot Riverwalk was initially conceived by **WalkBoston in 2009**. Ideas for the walk include a variety of surface treatments and seating, educational and historical signage, new plantings and areas for public gatherings, such as pavilions and trellises. **We need your help to advance this exciting project.**

## Water, water everywhere

Towns and cities are focusing once again on waterfronts as hubs for economic development and recreation. Many New England towns like Salem, Lowell, Lawrence, and Boston are reinvesting in their waterfronts and instituting **comprehensive river or waterfront promenades**. Braintree and Weymouth are well positioned on the South Shore to implement a unique and local vision with residential neighborhoods, shops, and public transit in close proximity. A robust and **well-designed riverwalk** can also provide for the management, protection, and restoration of local coastal habitats. Together with the infrastructure investments in Weymouth Landing, a continuous and sustainable green corridor will create a visual, cultural, social and environmental amenity that will offer a **competitive advantage** to Weymouth Landing.



The Francis Toland Walkway connects Watson Park to Smith Beach and is one of the more highly used existing paths.

## Join the crowd.

In order to demonstrate commitment and support for the project, the Town of Braintree is requesting that you write and send a **letter of support** by **July 15, 2011**.

Thank you.

| see instructions below |

address letter of support to  
**Charles Tracy, Trail Administrator**  
National Park Service | NE Region  
15 State Street  
Boston, MA 02109

deliver letter of support to  
**Christine Stickney, Director**  
Planning & Community Dev.  
Town of Braintree  
90 Pond Street  
Braintree, MA 02184-6498



questions or comments  
**Christine Stickney**  
(781) 794-8232  
cstickney@braintreema.gov

## National Park Service Grant a step towards a sustainable future

To initiate the Monatiquot Riverwalk design and continue the community engagement process, the Town of Braintree will apply for a **technical assistance grant** (due August 1st) through the National Park Service (NPS). NPS manages some of our nation's most historic sites, scenic resources, and critical natural areas.

NPS offers this assistance to applicants through their *Rails, Trails, and Conservation Assistance Program*. If granted assistance through this program, the Town of Braintree will work with NPS to advance the goals of the community for the proposed riverwalk. NPS goals include:

- physical connections amongst resources,
- natural resource conservation,
- connections between communities and area parks, and
- emphasis on health, wellness, and youth activities.

This publication was made possible through the volunteer efforts of these firms



urban design & planning



landscape architecture



pr & communications





# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

June 20, 2011

Dear Friends,

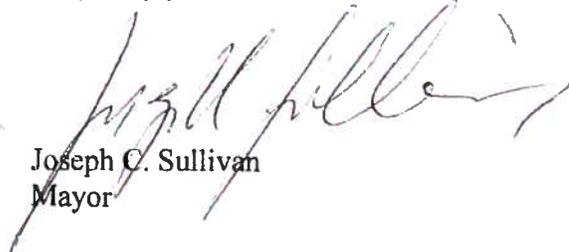
With the commencement of the PWED project in the East Braintree -Weymouth Landing area along with the proposed improvements at the Allen Street BELD site and at Watson Park, a lot is happening in East Braintree.

The enclosed newsletter highlights “conceptual” ideas for this area of Braintree in the days ahead.

The Planning and Community Development Department under the direction of Christine Stickney, members of the Town Council and planning consultants, with the support of the East Braintree Civic Association, have collectively worked hard to bring this interesting newsletter to you.

Your review and comments are appreciated.

Very truly yours,



Joseph C. Sullivan  
Mayor

RECEIVED TOWN CLERK  
BRAintree, MA

ORDER #: #12-049

2012 OCT 15 AM 11:13

### Town of Braintree: Application for Rezoning – Worksheet

#### SECTION TO BE COMPLETED BY PETITIONER

##### Petitioner

Name: Hancock Street Realty Trust  
c/o 232 West Street  
Address: Braintree, MA 02184  
Phone: 781-727-0441  
Email: tom@pattnet.com  
Att: Thomas Pattavina

##### Contact/Billing Information

Name: Carl R. Johnson III  
536 Granite Street  
Address: Braintree, MA 02184  
Phone: 781-848-0800  
Email: crjohnson@crj-law.com  
If same as petitioner, write "same"

##### \*Petition Submitted By:

*Vincent Pattavina* \* *Frances Pattavina*  
Vincent Pattavina, Trustee Frances Pattavina, Trustee

\* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, Planning board, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.



Date & Time Stamp



Legal Description of Property to be Rezoned

A portion of the land shown on a plan entitled, "Zoning Change Plan 107 Hancock Street Braintree, MA 02184", prepared for 107 Hancock, LLC, 232 West Street, Braintree, MA, dated: August 17, 2012, prepared by Alpha Surveying and Engineering Inc., containing 30,166 ± S.F. according to said plan, bounded and described as follows:

Beginning at a point on the southerly lot line, being S76°12'12"W ninety-eight (98) feet more or less from the drill hole previously mentioned on the west side of Hancock Street thence;

S76°12'12"W eighty-eight (88) feet more or less, being and overall distance of one hundred eighty-five and fifty-seven hundredths (185.57) feet, thence;

S59°49'00"W twenty-four and eighty-six hundredths (24.86) feet to a mag spike set, thence;

N24°48'33"W one hundred ten and twenty-seven hundredths (110.27) feet to an iron rod with a cap set, thence;

N00°26'00"W sixty-seven and ninety-three hundredths (67.93) feet to an iron rod with a cap set, thence;

N63°04'13"E forty-six and eleven hundredths (46.11) feet to an iron rod with a cap set, thence;

N14°15'55"W ninety-six and eighty-six hundredths (96.86) feet to an iron rod with a cap set, thence;

N74°37'30"E seventy-two and twenty-one hundredths (72.21) feet to a stone post with a drill hole found, thence;

S01°18'05"E one hundred fifteen and ninety hundredths (115.90) feet to an iron rod with a cap set, thence;

N87°18'26"E sixty-three (63) feet more or less to a corner, thence;

S00°26'00"E one hundred fifty-six (156) feet more or less to the point of beginning.

Said portion of the LOT contains 30,166 ± S.F. meaning and intending to describe that portion Assessors Map 1009 Lot 68 which is not currently zoned as General Business.

## WRITTEN NARRATIVE IN SUPPORT OF APPLICATION TO REZONE

Property Subject to Zoning Classification Change

The property subject to this rezone petition is located at 107 Hancock Street and consists of a portion of the lot shown on Braintree Assessor's Map 1009, Lot 68 that contains 44,083 ± S.F. of land, of which 30,166 ± S.F. is zoned Residence B and 13,833 ± S.F. is zoned General Business, (the "Premises or Property"). The Premises' fronts along Hancock Street for a distance of 136.73 feet. The Property is currently vacant and unimproved.

The adjacent properties are similarly situated as "split lots"; partially located in a General Business District along Hancock Street and a Residence B District to the rear of the respective properties. The historic use and current use of the adjacent properties is predominately business use. The petition seeks to rezone 30,833 ± S.F. from Residence B to General Business to create a uniformity zoned property.

Why the Rezone is Sought

The purpose of the rezoning request is to create a General Business property with sufficient dimensions to support a neighborhood business development. The previous structure on the Premises, originally constructed in 1949 as a market was demolished in 1989. The Property has remained vacant since that time. Previously the Zoning Board of Appeals allowed two uses to be built on the Premises. In 1979, the then owner, Ronald G. Abel, was granted permission by the Zoning Board of Appeals to use the land area

zoned Residence B for business use. In 1981 a building permit was issued to construct an addition to the existing structure at 107 Hancock Street in the residential zone. The addition was never constructed. In 1985, a comprehensive permit for 128 units was granted by the Zoning Board of Appeal. The project was never constructed.

When Braintree adopted the zoning enabling act in May of 1940, it established a General Business District corridor along Hancock Street from South Braintree Square to the intersection with Franklin Street (State Route 37). The general business zone ran along Hancock Street for a depth of approximately one hundred feet. The general business portion of this Property was approximately 14,000 ± S.F.; which is very small to meet current business use requirements. In the years since the original zoning, the size of the business zoned portion has been reduced by a roadway taking on Hancock Street in 1953. Zoning dimensional requirements have changed since 1940 to require larger setbacks, increased parking requirement, traffic circulation, landscape areas and open space in the general business district. The potential reuse of the Premises and the potential building envelope leaves the Property unable to support a desirable business use and meet the Town's current zoning requirements.

Granting the change in zoning classification of a portion of the property will allow a redevelopment parcel that will accommodate a new neighborhood business development with conforming dimensional setbacks, adequate provisions for parking, vehicle circulation, open space and landscape buffers which meet or exceed all current zoning

dimensional requirements for the General Business District. The property lies outside the recently adopted South Braintree Village District.

Public Benefits to General Area and the Town

By the rezoning the 30,000 ± square feet of land to General Business District, the Town will succeed in accomplishing the goals set forth for economic development in the Master Plan adopted by the Town in 1998. One such stated goal that would be achieved by this zoning change would be “[the provision of] initiatives that encourage redevelopment and improvement of underutilized parcels of land for more productive enterprises”.

The Town of Braintree encourages the redevelopment of established business and commercial uses to enable the revitalization of older properties to achieve greater economic benefit, aesthetic and functional improvements to benefit the South Braintree Square/Hancock Street Corridor. Such revitalization is important in the redevelopment of existing properties in the South Braintree business area that can be achieved without encroachment into the adjacent neighborhood. It is exceedingly difficult, if not impossible to convince new businesses to locate within the restricted confines of the existing small business zoned area.

The desired rezoning will implement another strategy recommended in the Master Plan, to “favor development strategies that produce secondary benefits to the Town in addition to enhanced tax base such as employment opportunities for residents ...”.

Creation of a workably sized General Business zoned redevelopment parcel at this

location will attract new small businesses, provide short-term construction jobs, long-term economic benefits, employment to the community and serve local needs.

In the adoption of the Master Plan the Town expressed its desire to “**create an economic climate that increases quality job opportunities and enhances the Town’s economic well being**”. This is ever more important in the current economic times. The Town’s demonstrated willingness to work with the business community on this and other projects has fostered a positive reputation that will continue to attract and stimulate new economic development and smart growth in Braintree.

#### Business Use

The creation of lots partially zoned business and partially zoned residence creates a conflict in use for the business zone along Hancock Street. Much of the land area zoned Residence B has been used for business purposes for more than half a century. As to this Property, the rezoning petition would bring the zoning map into conformity with existing long established land uses in the area and along the Hancock Street corridor.

The petitioned rezoning will result in a redevelopment of the vacant business use along the South Braintree Business Corridor. This re-development will allow complete conformity with the current dimensional requirements of the zoning by-law. It will also allow for an improvement of the aesthetic appearance at this site with greatly enhanced landscaping and buffering of adjacent neighborhoods while providing for a potential reuse of a new well-designed buildings set back at appropriate distances from the street,

**#12 - 049**

provide adequate off-street parking which is greatly needed on the Corridor and revitalize the long vacant and overgrown property.



#12-049  
Office of the  
Board of Assessors

ONE JOHN FITZGERALD KENNEDY MEMORIAL DRIVE  
BRAintree, MASSACHUSETTS 02184  
TEL: (781) 794-8050 • (781) 794-8056  
FAX: (781) 794-8068

DATE: September 17<sup>th</sup>, 2012  
OWNER(S): Vincent Pattavina  
Frances Pattavina  
Hancock Street Realty Trust  
PROPERTY LOCATION: 107 Hancock Street  
MAP AND PLOT: 1009 0 68

This is to certify that at the time of submission of this form to the Board of Assessors, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown and described are as written and are the parties according to the records of the Assessors.

Office of the Board of Assessors 

**Robert M. Cusack**  
Chairman

## Braintree

## Abutters List

3-20-34PM

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
1007 0 2A	78 HANCOCK ST	SULLIVAN JAMES TR	78 HANCOCK TRUST	PO BOX 850918	BRAINTREE	MA	02185
1007 0 4	82 HANCOCK ST	ERICKSON BONNIE L		82 HANCOCK STREET	BRAINTREE	MA	02184
1007 0 4A	38 CRESCENT AV	FLYNN WILLIAM J	FLYNN ELIZABETH A TRS	114 ADDISON ST	BRAINTREE	MA	02184
1007 0 4B	86 HANCOCK ST	FLYNN WILLIAM J		114 ADDISON STREET	BRAINTREE	MA	02184
1007 0 4C	8 MYRTLE AV	FLYNN WILLIAM		114 ADDISON ST	BRAINTREE	MA	02184
1007 0 5	88 HANCOCK ST	LAURIA DANIEL A/ROSEMARIE M T	LAURIA FINANCIAL TRUST	569 WASHINGTON STREET	BRAINTREE	MA	02184
1007 0 6	90 HANCOCK ST	MABEE PAUL MICHAEL	FEZAMORA CYNTHIA TBYE	90 HANCOCK STREET	BRAINTREE	MA	02184
1007 0 7	110 HANCOCK ST	R K G LLC		110 HANCOCK ST	BRAINTREE	MA	02184
1007 0 8	128 132 HANCOCK ST	FOLEY PAUL E TRS	PFM REALTY TRUST	PO BOX 850125	BRAINTREE	MA	02185
1007 0 9	136 HANCOCK ST	VARRASSO VITTORIO V TRS	LIGHTHOUSE REALTY TRUS	148 HANCOCK STREET	BRAINTREE	MA	02184
1008 0 16	1111 WASHINGTON ST	NOBLE FREDERICK A	NOBLE FRANCIS X	92 HOLLIS AVE	BRAINTREE	MA	02184
1008 0 17	1105 WASHINGTON ST	GAINNE JOHN	GAINNE JO ANN TBYE	1105 WASHINGTON ST	BRAINTREE	MA	02184
1008 0 18	1099 WASHINGTON ST	MACDONALD FRANK W		1099 WASHINGTON ST	BRAINTREE	MA	02184
1008 0 42	1116 WASHINGTON ST	HCRI MASSACHUSETTS PROP TR	C/O HEALTHCARE REIT	4500 DORR ST	TOLEDO	OH	43615-4040
1008 0 42A	HANCOCK ST	BROTHERS MARINO LLC		121 HANCOCK STREET	BRAINTREE	MA	02184
1008 0 46	137 HANCOCK ST	MESSINA RESIDENTIAL PROPERTY		PO BOX 859059	BRAINTREE	MA	02185
1009 0 10	10 FREDERICK RD	DIVINCENZO JOHN		10 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 11	89 HANCOCK ST	CUSACK ROBERT M TRS	89 HANCOCK ST REALTY TF	89 HANCOCK ST	BRAINTREE	MA	02184
1009 0 12	81 HANCOCK ST	DONOVAN PAUL	DONOVAN SANDRA TBYE	81 HANCOCK ST	BRAINTREE	MA	02184
1009 0 13	11 FREDERICK RD	FREDERICK ROAD REALTY TRUST	HANSON CAROL A TRS	17 EDGEWATER DR	PEMBROKE	MA	02359
1009 0 16	15 FREDERICK RD	MANNERING BRIAN		15 FREDERICK RD	BRAINTREE	MA	02184
1009 0 17	15 FREDERICK RD	MANNERING BRIAN		15 FREDERICK RD	BRAINTREE	MA	02184
1009 0 19	19 FREDERICK RD	MURRAY JOHN D	MURRAY GLORIA J	19 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 2	1090 WASHINGTON ST	JONES VERONICA G	JONES REGINALD N TBYE	1090 WASHINGTON STREET	BRAINTREE	MA	02184
1009 0 20	29 FREDERICK RD	GREENE RICHARD P	GREENE KATHLEEN M	29 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 21	33 FREDERICK RD	REARDON GEORGE P	REARDON RUTH E	33 FREDERICK RD	BRAINTREE	MA	02184
1009 0 22	1060 WASHINGTON ST	BELLWOOD FRED / VIRGINIA LES	BELLWOOD FRED / VIRGINIA LES	1060 WASHINGTON ST	BRAINTREE	MA	02184
1009 0 23	1058 WASHINGTON ST	DOYNE DERMOT M	DOYNE TERESA A TBYE	1058 WASHINGTON ST	BRAINTREE	MA	02184
1009 0 24	1054 WASHINGTON ST	RICHARDI EDMUND M JR		681 FALMOUTH ROAD	MASHPEE	MA	02649
1009 0 2A	WASHINGTON ST	HCRI MASSACHUSETTS PROP TR	C/O HEALTHCARE REIT	4500 DORR ST	TOLEDO	OH	43615-4040
1009 0 3	1074 WASHINGTON ST	DALTON ARTHUR L JR	DALTON JEAN I	163 HOBART AVE	BRAINTREE	MA	02184
1009 0 4	32 34 FREDERICK RD	BEERS KENNETH E JR		32 FREDERICK RD	BRAINTREE	MA	02184
1009 0 5	36 FREDERICK RD	REDMOND ANN MARIE		P O BOX 850077	BRAINTREE	MA	02185
1009 0 6	28 30 FREDERICK RD	VELLA FAMILY INVESTORS LLC		3 JEFFERSON STREET	BRAINTREE	MA	02184
1009 0 62	75 HANCOCK ST	AIELLO ROGER E TRS	ROGER E AIELLO REVOCAB	24 FABIANO DRIVE	BRAINTREE	MA	02184
1009 0 64	99 HANCOCK ST	B&F HANCOCK STREET LLC		PO BOX 850028	BRAINTREE	MA	02185
1009 0 65	121 HANCOCK ST	BROTHERS MARINO LLC		121 HANCOCK STREET	BRAINTREE	MA	02184
1009 0 66	944 948 WASHINGTON ST	WATTS ROBERT T TT	944 WASHINGTON ST TRUS	2 EASTGATE LANE	HINGHAM	MA	02043
1009 0 67	125 HANCOCK ST	ANTON ARTHUR C TR	ANTON REALTY TRUST II	500 CLARK ROAD	TEWKSBURY	MA	01876
1009 0 68	107 HANCOCK ST	PATTAVINA VINCENT/O FRANCES	HANCOCK STREET REALTY	232 WEST ST	BRAINTREE	MA	02184
1009 0 7	26 24 FREDERICK RD	COTTER MICHAEL J	COTTER KATHY B	26 FREDERICK RD	BRAINTREE	MA	02184
1009 0 8	16 FREDERICK RD	IORDANOV LIUBOMIRE G	IORDANOV TATIANA S TBY	16 FREDERICK ROAD	BRAINTREE	MA	02184
1009 0 9	119 HANCOCK ST	FRAZIER WILLIAM F TR	THE SUNSET REALTY TRUS	89 PEARL ST	BRAINTREE	MA	02184
1031 0 5	HANCOCK AV	HOLLINGSWORTH POND LLC	c/o MESSINA ENTERPRISES	400 FRANKLIN STREET	BRAINTREE	MA	02184

#12-049

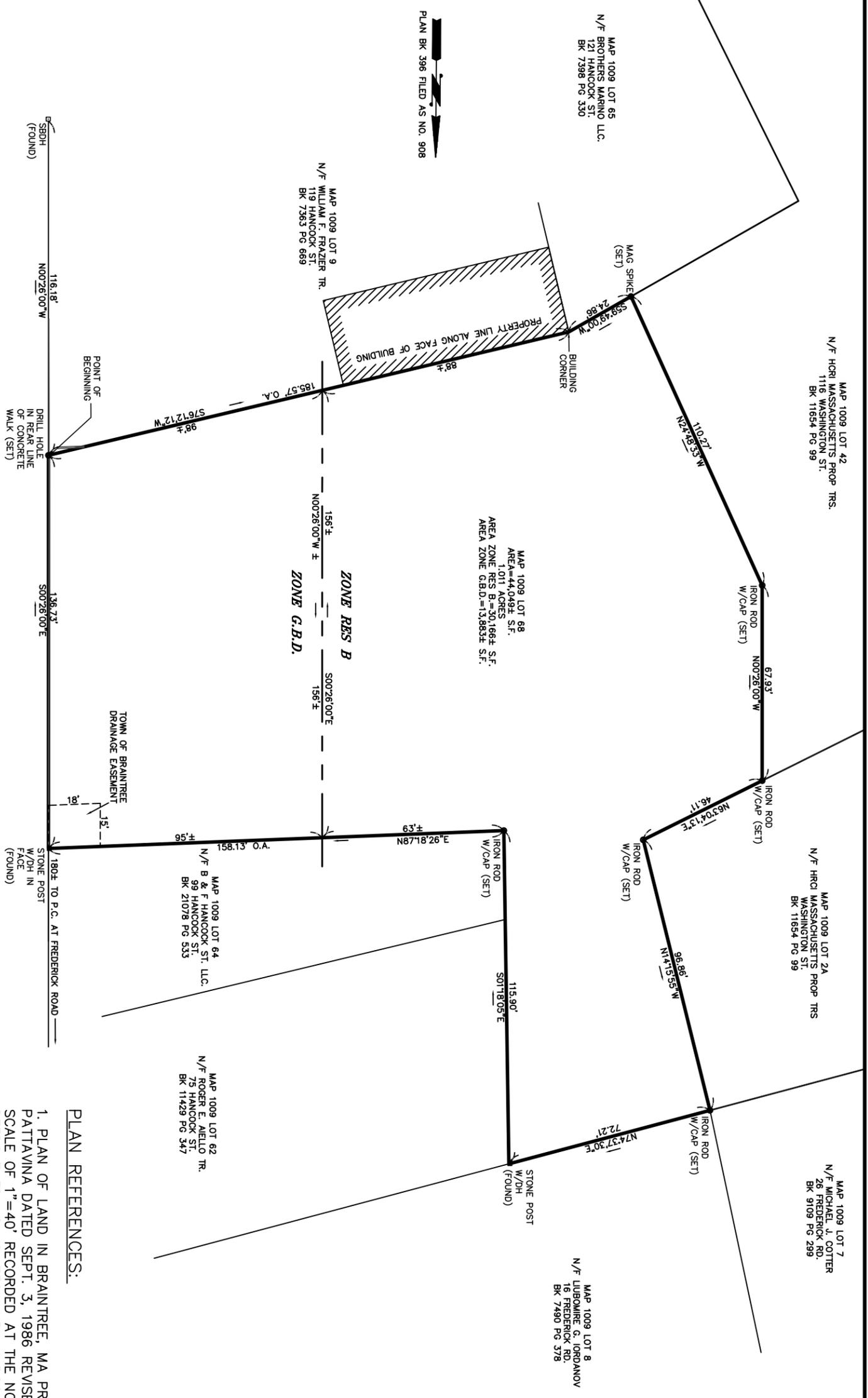
**Braintree**

**Abuffers List**

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
----------	----------	-------	----------	-----------------	------	-------	-----

*End of Report*

#12-049



SB0H (FOUND) 116.18' N00°26'00"W  
 156.1' N00°26'00"W ±  
 156.1' S00°26'00"E  
 158.13' O.A.  
 180.4' TO P.C. AT FREDERICK ROAD

**HANCOCK STREET**  
 (PUBLIC - 55' WIDE  
 1953 COUNTY LAYOUT)



PREPARED FOR  
**107 HANCOCK, LLC**  
**232 WEST STREET**  
**BRAINTREE, MA**

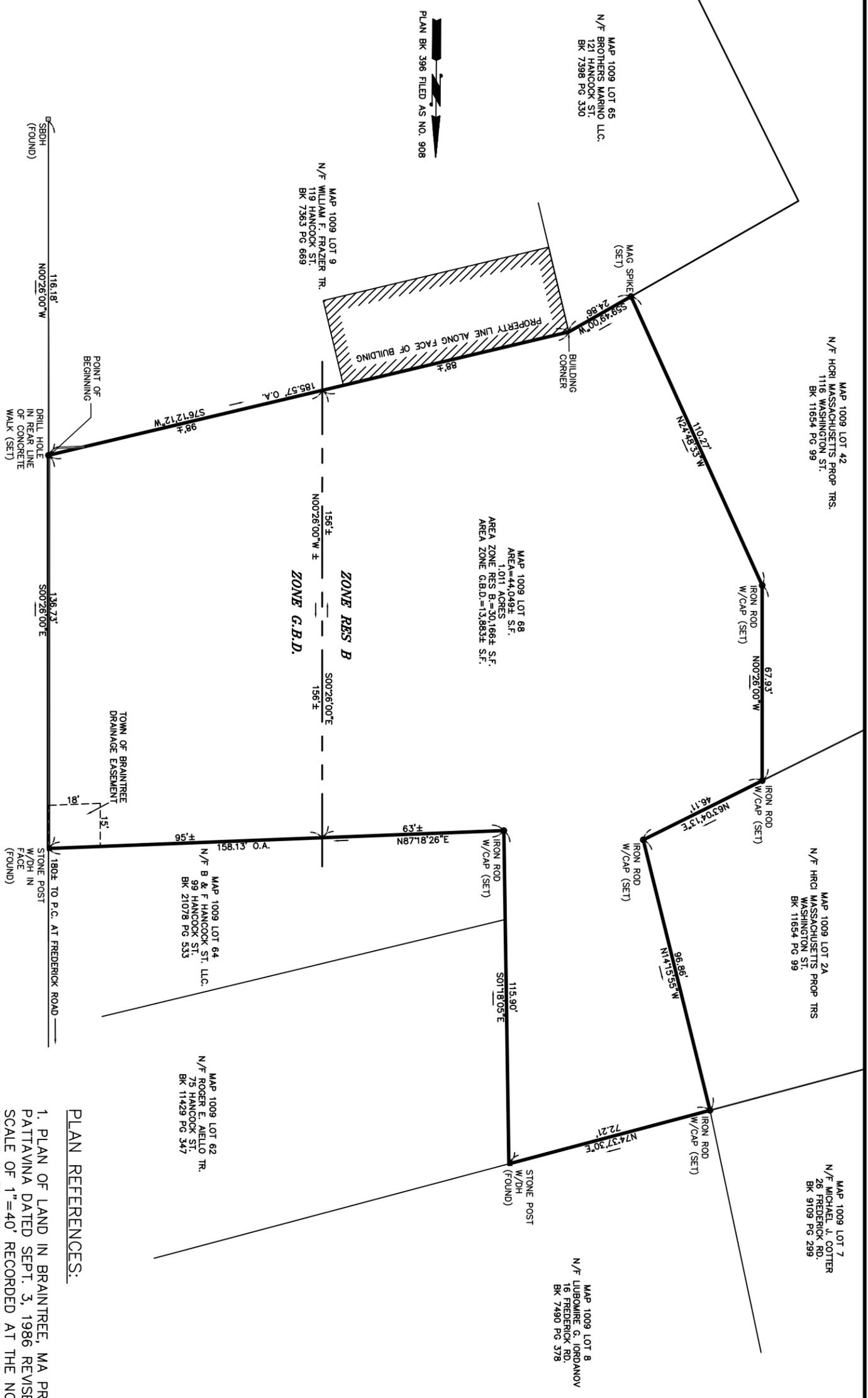
**ZONING CHANGE PLAN**  
**101 HANCOCK STREET**  
**BRAINTREE, MA 02184**

JOB NO.  
**12141**  
 SHEET NO.  
**1 OF 1**  
 DWG. NO.  
**12141**

DATE 8-17-2012 SCALE 1"=40' DRAWN RAP FIELD RAP/AMC CHECKED

**PLAN REFERENCES:**

1. PLAN OF LAND IN BRAINTREE, MA PREPARED FOR DR. VINCENT PATAVINA DATED SEPT. 3, 1986 REVISED JAN. 8, 1987 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 732 IN PLAN BOOK 370.
2. PLAN OF LAND IN BRAINTREE, MASS. DATED NOV. 13, 1990 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 908 IN PLAN BOOK 396.
3. PLAN AND PROFILE SHOWING THE RELOCATION AND WIDENING OF A PORTION OF HANCOCK STREET, BRAINTREE FROM WASHINGTON ST. AT PLAN ST. TO WASHINGTON ST. AT PEARL ST. AS MADE BY THE NORFOLK COUNTY COMMISSIONERS DATED JUN 9, 1953 AT A SCALE OF 1"=20' RECORDED AT THE NORFOLK REGISTRY OF DEEDS AS NO. 889-893 IN PLAN BOOK 178.



PREPARED FOR  
107 HANCOCK, LLC  
232 WEST STREET  
BRAINTREE, MA

ZONING CHANGE PLAN  
101 HANCOCK STREET  
BRAINTREE, MA 02184

JOB NO.	12141
SHEET NO.	1 OF 1
DWG. NO.	12141

DATE 8-17-2012  
SCALE 1"=40'  
DRAWN RAP  
FIELD RAP/AMC  
CHECKED

**PLAN REFERENCES:**

1. PLAN OF LAND IN BRAINTREE, MA PREPARED FOR DR. VINCENT PATAVINA DATED SEPT. 3, 1986 REVISED JAN. 8, 1987 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 732 IN PLAN BOOK 370.
2. PLAN OF LAND IN BRAINTREE, MASS. DATED NOV. 13, 1990 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 908 IN PLAN BOOK 396.
3. PLAN AND PROFILE SHOWING THE RELOCATION AND WIDENING OF A PORTION OF HANCOCK STREET, BRAINTREE FROM WASHINGTON ST. AT PLAN ST. TO WASHINGTON ST. AT PEARL ST. AS MADE BY THE NORFOLK COUNTY COMMISSIONERS DATED JUN 9, 1953 AT A SCALE OF 1"=20' RECORDED AT THE NORFOLK REGISTRY OF DEEDS AS NO. 889-893 IN PLAN BOOK 178.



# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

**TO:** Charles Kokoros, Braintree Town Council President  
**FROM:** Braintree Planning Board  
**DATE:** January 14, 2013  
**RE:** Planning Board Recommendation - Town Council Order # 12-049  
REZONE REQUEST - Portion of 107 Hancock Street

The Braintree Planning Board held a public hearing on December 11, 2012 which was continued to January 8, 2013. The Planning Board heard testimony from the Applicant's Attorney Carl R. Johnson, as well as handful of residents from Frederick Road that were in attendance at the Public Hearings.

The petitioner is requesting that certain lands described as a Portion of 107 Hancock Street being 30,166 Sq. Ft. be rezoned from Residential B to General Business, so that the entire 1.01 Acre parcel is of the same General Business Zoning designation.

In addition to the information contained in the Staff Report, there was discussion related to the use of the properties that abut the area proposed to be rezoned and how the further extension of pre-existing non-conforming uses could impact 107 Hancock Street if portions were left under the Residence B Zoning Designation. The Planning Board was of the opinion that a single parcel under one Zoning Designation (GB) would allow for a more unified development, whereas the use could be restricted and conditioned as part of permitting process.

### Description of 107 Hancock Street

Total Lot Area = 44,049 Sq. Ft.  
Currently Zoned General Business = 13,883 Sq. Ft./Currently Zoned Residence B = 30,166 Sq. Ft.  
107 Hancock Street (Map 1009/Plot 68)  
136.73 Feet of Frontage on Hancock Street

The Planning Board voted on January 8, 2013 to recommend **favorable action** to the Town Council on the rezone petition as submitted.

The vote is recorded as follows:

	<u>Favorable</u>	<u>Unfavorable</u>
Robert Harnais, Chair	X	
Joseph Reynolds, Vice-Chair	X	
James Eng, Member		NOT PRESENT
Darryl Mikami, Member	X	
Melissa B. McDonald, Member		NOT PARTICIPATING

w/attachment (Planning Staff Report to the Planning Board)



# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

TO: Planning Board

FROM:  Melissa M. Santucci Rozzi, Principal Planner

DATE: November 29, 2012

RE: Staff Report - Petition to Rezone Land (T.C.O. #12-049)  
Portion of 107 Hancock Street - Map 1009/Plot 68  
Hancock Street Realty Trust, Applicant

### Filing Information

On October 15, 2012 the Planning Board was transmitted a copy of a Petition For Rezone filed with the Town Council on October 15, 2012 and is referenced as Council Order #12-049. A Neighborhood Meeting is scheduled for December 6th, 2012. The Planning Board fulfilled all the noticing requirements pursuant to Chapter 40A Section 5 and a public hearing will be held on Tuesday December 11, 2012 at 8:00 P.M.

### Proposal/Request

The Applicant is seeking permission from the Town Council, which requires a recommendation from the Planning Board to rezone a 30,166 Sq. Ft. area of the Lot from Residence B to General Business.

### Description of the portion of 107 Hancock Street to be Rezoned

107 Hancock Street (Map 1009/Plot 68)  
Total Lot Area = 44,049 Square Feet  
Area Currently Zoned General Business = 13,883 Square Feet  
Area Currently Zoned Residence B = 30,166 Square Feet

The existing lot is rather unique in shape, with portions extending behind the direct abutters to the North. The first 95+/- Feet of depth is currently within the General Business District. This property is not located within the Village Overlay District. The lots within the neighborhood are zoned General Business, Residence B and Commercial. The uses within the neighborhood vary from residential (one/two and multi-family dwellings) to commercial uses such as Braintree Lumber. This area is directly South of South Braintree Square and is about ¼ of a mile from the Red Line MBTA Station.

The lot is 100% open space and has a gently raising front to back slope with an elevation of 96 NGVD at Hancock Street and is at elevation 114 NGVD along the rear property line. The property also contains a small (18 Ft. by 15 Ft.) drainage easement in the northeast corner along Hancock Street. This site was also subject to a taking in 1953 for the Hancock Street layout.

### TOWN OF BRAINTREE ZONING MAP



#### Zoning Legend

- Crosshatched = General Business**
- Solid White = Residence B**
- Speckled = Commercial**
- Lined = Residence C**
- Crosshatched Speckled = Open Space**

#### History of the Site

This site formerly contain a building that was the location of the Hancock Market, which was an active use commencing about 1950. The use continued for some period and the building was demolished in 1989. There were also Development Decision granted for this site, which allowed the use of the residentially zoned portion of the lot as well as the most recent decision in 1985 that allowed a 128 Unit Comprehensive Permit for rental units for elderly residents, none of which were executed. The site has remained vacant since 1989 and was heavily vegetated until some recent clean-up was completed.

### Analysis

The Planning Staff has analyzed both the existing zoning and land-use patterns within the neighborhood. The Hancock Street corridor is a true mixed use area, as noted above in the report. The corridor both North and South of the site are occupied and utilized by a very broad spectrum of uses that range from residential to commercial; including small business to national chains. If the rear portion of this property were to be rezoned to general business it would create a development parcel that could be developed in a manner that is compatible with the surround land uses. As the parcel currently exists, the front 13,883 Sq. Ft. portion of the site could be developed. However, the rear portion would remain a dense vegetated area and force the development to be concentrated in the existing General Business portion. This could potentially result in a layout or development configuration that is less desirable than one that could take advantage of utilizing the entire property. Furthermore, this parcel in total is much larger than several other pieces of land within the corridor and if developed will comply with the current zoning standards which will result in appropriate yards, setbacks and parking. Which several sites in this area are now lacking.

The current site due its spilt zone and the fact that it is vacant has an assessed value of \$283,000.00. While the Planning Staff cannot present an exact duplicate of this lot in an improved state it is an extremely fair assumption that when and if this parcel is rezoned and developed in accordance with the General Business provisions the fiscal benefits to the community from a tax perspective is positive.

Based on the use history of the site and the Development Decisions granted for this parcel in the past it is clear that this site can support an active use. It also demonstrates that it is suitable for various uses as the ones that existed and the ones that were permitted are very different in nature and scale.

w/attachments

1. Full Application w/supporting narrative and legal description
2. Survey Plan
3. 1979 Engineering Plan depicted the former building located on the site
4. Aerial View of the Corridor

ORDER #:#12-049

Town of Braintree: Application for Rezoning – Worksheet

SECTION TO BE COMPLETED BY PETITIONER

Petitioner

Name: Hancock Street Realty Trust  
c/o 232 West Street  
Address: Braintree, MA 02184  
Phone: 781-727-0441  
Email: tom@pattnet.com  
Att: Thomas Pattavina

Contact/Billing Information

Name: Carl R. Johnson III  
536 Granite Street  
Address: Braintree, MA 02184  
Phone: 781-848-0800  
Email: crjohnson@crj-law.com  
If same as petitioner, write "same"

\*Petition Submitted By: *x Vincent Pattavina* *x Frances Pattavina*  
Vincent Pattavina, Trustee Frances Pattavina, Trustee

\* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, Planning board, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.

RECEIVED

OCT 15 2012

Town of Braintree  
Planning Board



Date & Time Stamp

Legal Description of Property to be Rezoned

A portion of the land shown on a plan entitled, "Zoning Change Plan 107 Hancock Street Braintree, MA 02184", prepared for 107 Hancock, LLC, 232 West Street, Braintree, MA, dated: August 17, 2012, prepared by Alpha Surveying and Engineering Inc., containing 30,166 ± S.F. according to said plan, bounded and described as follows:

Beginning at a point on the southerly lot line, being S76°12'12"W ninety-eight (98) feet more or less from the drill hole previously mentioned on the west side of Hancock Street thence;

S76°12'12"W eighty-eight (88) feet more or less, being and overall distance of one hundred eighty-five and fifty-seven hundredths (185.57) feet, thence;

S59°49'00"W twenty-four and eighty-six hundredths (24.86) feet to a mag spike set, thence;

N24°48'33"W one hundred ten and twenty-seven hundredths (110.27) feet to an iron rod with a cap set, thence;

N00°26'00"W sixty-seven and ninety-three hundredths (67.93) feet to an iron rod with a cap set, thence;

N63°04'13"E forty-six and eleven hundredths (46.11) feet to an iron rod with a cap set, thence;

N14°15'55"W ninety-six and eighty-six hundredths (96.86) feet to an iron rod with a cap set, thence;

N74°37'30"E seventy-two and twenty-one hundredths (72.21) feet to a stone post with a drill hole found, thence;

S01°18'05"E one hundred fifteen and ninety hundredths (115.90) feet to an iron rod with a cap set, thence;

N87°18'26"E sixty-three (63) feet more or less to a corner, thence;

S00°26'00"E one hundred fifty-six (156) feet more or less to the point of beginning.

Said portion of the LOT contains 30,166 ± S.F. meaning and intending to describe that portion Assessors Map 1009 Lot 68 which is not currently zoned as General Business.

## WRITTEN NARRATIVE IN SUPPORT OF APPLICATION TO REZONE

Property Subject to Zoning Classification Change

The property subject to this rezone petition is located at 107 Hancock Street and consists of a portion of the lot shown on Braintree Assessor's Map 1009, Lot 68 that contains 44,083 ± S.F. of land, of which 30,166 ± S.F. is zoned Residence B and 13,833 ± S.F. is zoned General Business, (the "Premises or Property"). The Premises' fronts along Hancock Street for a distance of 136.73 feet. The Property is currently vacant and unimproved.

The adjacent properties are similarly situated as "split lots"; partially located in a General Business District along Hancock Street and a Residence B District to the rear of the respective properties. The historic use and current use of the adjacent properties is predominately business use. The petition seeks to rezone 30,833 ± S.F. from Residence B to General Business to create a uniformity zoned property.

Why the Rezone is Sought

The purpose of the rezoning request is to create a General Business property with sufficient dimensions to support a neighborhood business development. The previous structure on the Premises, originally constructed in 1949 as a market was demolished in 1989. The Property has remained vacant since that time. Previously the Zoning Board of Appeals allowed two uses to be built on the Premises. In 1979, the then owner, Ronald G. Abel, was granted permission by the Zoning Board of Appeals to use the land area

zoned Residence B for business use. In 1981 a building permit was issued to construct an addition to the existing structure at 107 Hancock Street in the residential zone. The addition was never constructed. In 1985, a comprehensive permit for 128 units was granted by the Zoning Board of Appeal. The project was never constructed.

When Braintree adopted the zoning enabling act in May of 1940, it established a General Business District corridor along Hancock Street from South Braintree Square to the intersection with Franklin Street (State Route 37). The general business zone ran along Hancock Street for a depth of approximately one hundred feet. The general business portion of this Property was approximately 14,000 ± S.F.; which is very small to meet current business use requirements. In the years since the original zoning, the size of the business zoned portion has been reduced by a roadway taking on Hancock Street in 1953. Zoning dimensional requirements have changed since 1940 to require larger setbacks, increased parking requirement, traffic circulation, landscape areas and open space in the general business district. The potential reuse of the Premises and the potential building envelope leaves the Property unable to support a desirable business use and meet the Town's current zoning requirements.

Granting the change in zoning classification of a portion of the property will allow a redevelopment parcel that will accommodate a new neighborhood business development with conforming dimensional setbacks, adequate provisions for parking, vehicle circulation, open space and landscape buffers which meet or exceed all current zoning

dimensional requirements for the General Business District. The property lies outside the recently adopted South Braintree Village District.

#### Public Benefits to General Area and the Town

By the rezoning the 30,000 ± square feet of land to General Business District, the Town will succeed in accomplishing the goals set forth for economic development in the Master Plan adopted by the Town in 1998. One such stated goal that would be achieved by this zoning change would be “[the provision of] initiatives that encourage redevelopment and improvement of underutilized parcels of land for more productive enterprises”.

The Town of Braintree encourages the redevelopment of established business and commercial uses to enable the revitalization of older properties to achieve greater economic benefit, aesthetic and functional improvements to benefit the South Braintree Square/Hancock Street Corridor. Such revitalization is important in the redevelopment of existing properties in the South Braintree business area that can be achieved without encroachment into the adjacent neighborhood. It is exceedingly difficult, if not impossible to convince new businesses to locate within the restricted confines of the existing small business zoned area.

The desired rezoning will implement another strategy recommended in the Master Plan, to “favor development strategies that produce secondary benefits to the Town in addition to enhanced tax base such as employment opportunities for residents ...”. Creation of a workably sized General Business zoned redevelopment parcel at this

location will attract new small businesses, provide short-term construction jobs, long-term economic benefits, employment to the community and serve local needs.

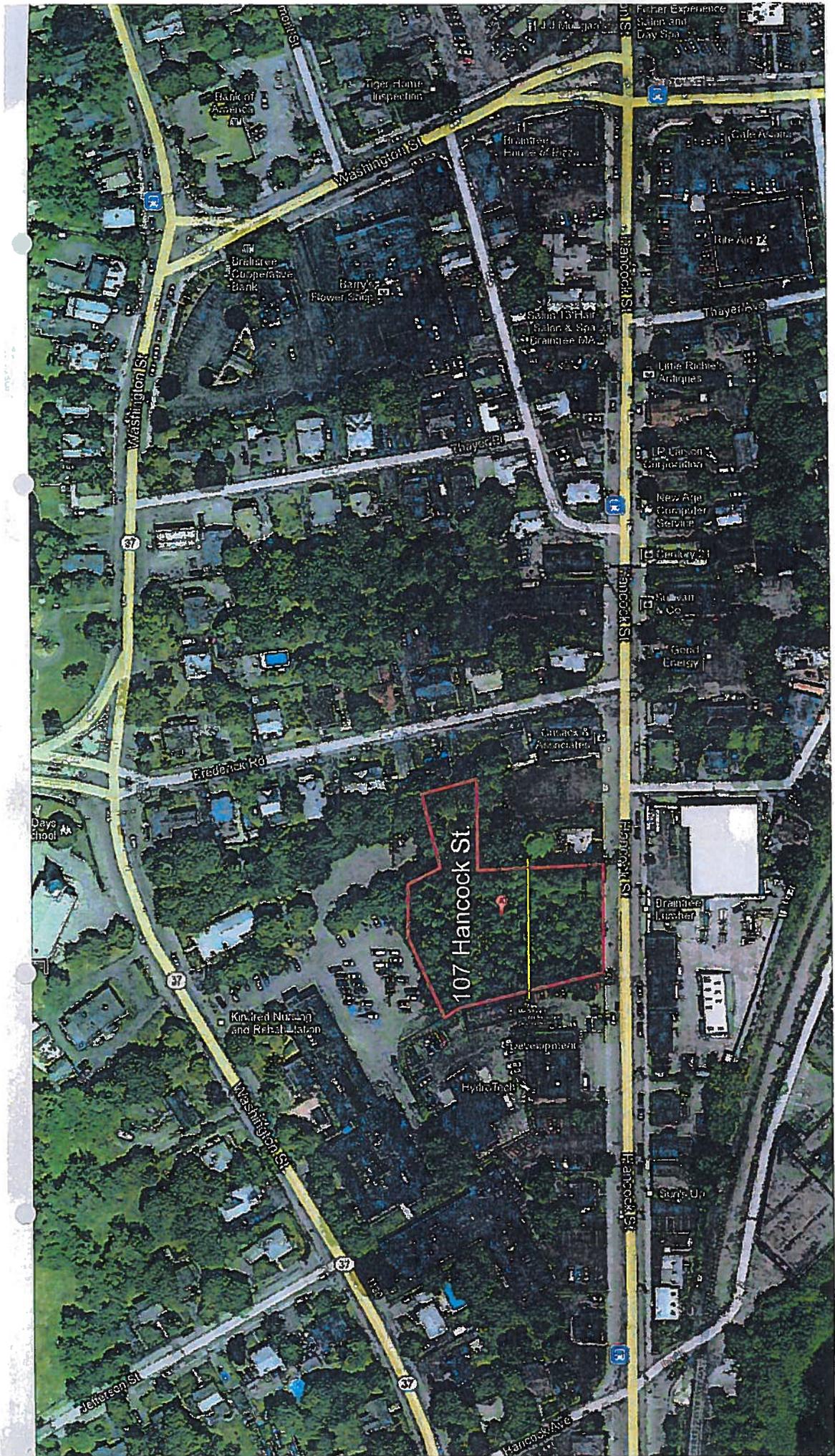
In the adoption of the Master Plan the Town expressed its desire to “**create an economic climate that increases quality job opportunities and enhances the Town’s economic well being**”. This is ever more important in the current economic times. The Town’s demonstrated willingness to work with the business community on this and other projects has fostered a positive reputation that will continue to attract and stimulate new economic development and smart growth in Braintree.

#### Business Use

The creation of lots partially zoned business and partially zoned residence creates a conflict in use for the business zone along Hancock Street. Much of the land area zoned Residence B has been used for business purposes for more than half a century. As to this Property, the rezoning petition would bring the zoning map into conformity with existing long established land uses in the area and along the Hancock Street corridor.

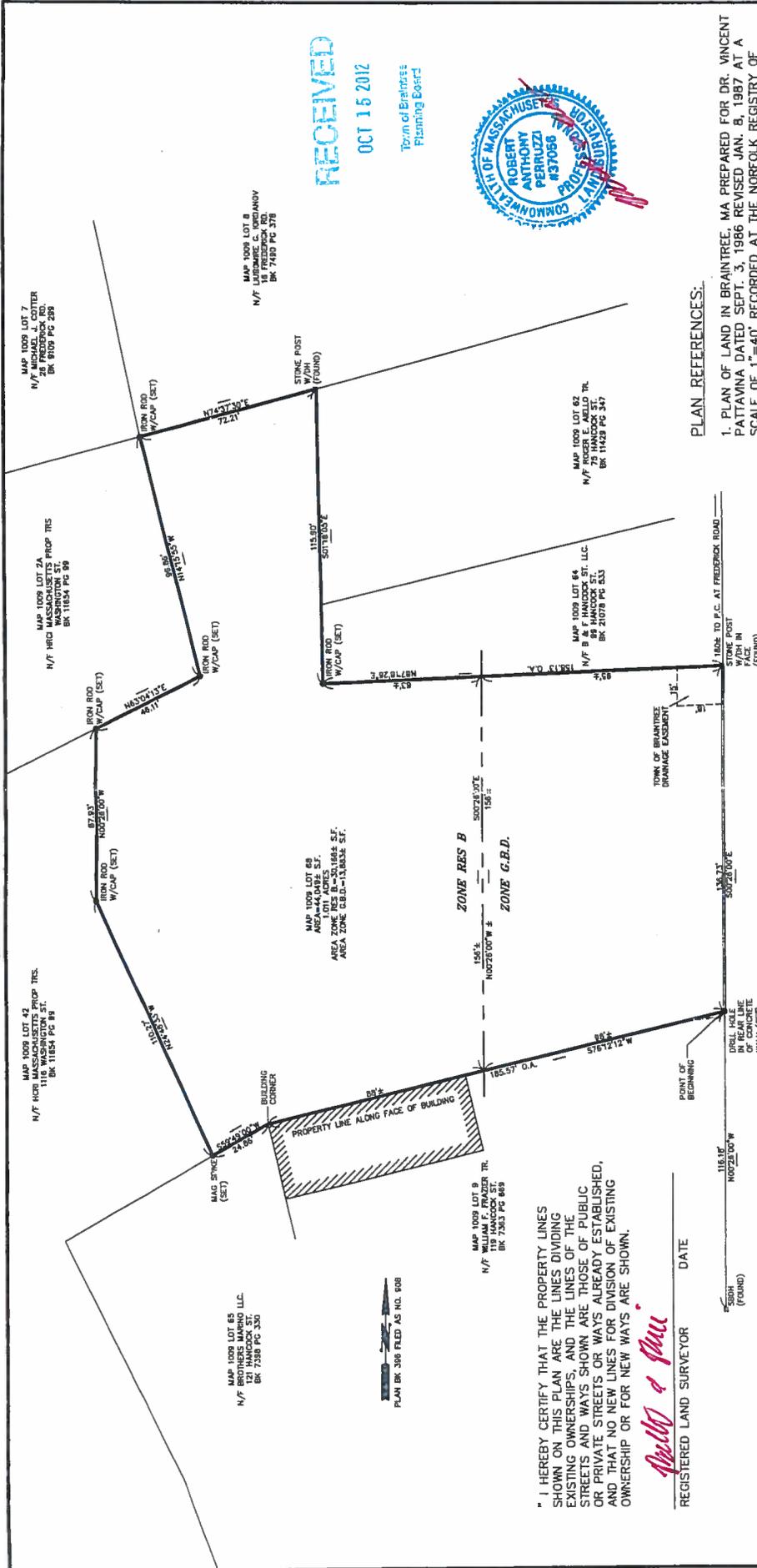
The petitioned rezoning will result in a redevelopment of the vacant business use along the South Braintree Business Corridor. This re-development will allow complete conformity with the current dimensional requirements of the zoning by-law. It will also allow for an improvement of the aesthetic appearance at this site with greatly enhanced landscaping and buffering of adjacent neighborhoods while providing for a potential reuse of a new well-designed buildings set back at appropriate distances from the street,

provide adequate off-street parking which is greatly needed on the Corridor and revitalize the long vacant and overgrown property.



Hancock Street Realty Trust

#12-049



RECEIVED  
OCT 15 2012  
Town of Braintree  
Planning Board



PLAN REFERENCES:

1. PLAN OF LAND IN BRAINTREE, MA PREPARED FOR DR. VINCENT PATTAVINA DATED SEPT. 3, 1986 REVISED JAN. 8, 1987 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK COUNTY REGISTERY OF DEEDS FILED AS NO. 732 IN PLAN BOOK 370.
2. PLAN OF LAND IN BRAINTREE, MASS. DATED NOV. 13, 1990 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK COUNTY REGISTERY OF DEEDS FILED AS NO. 908 IN PLAN BOOK 396.
3. PLAN AND PROFILE SHOWING THE RELOCATION AND WIDENING OF A PORTION OF HANCOCK STREET, BRAINTREE FROM WASHINGTON ST. AT PLAIN ST. TO WASHINGTON ST. AT PEARL ST. AS MADE BY THE NORFOLK COUNTY COMMISSIONERS DATED JUN 9, 1953 AT A SCALE OF 1"=20' RECORDED AT THE NORFOLK COUNTY REGISTERY OF DEEDS AS NO. 889-893 IN PLAN BOOK 178.

HANCOCK STREET  
(PUBLIC - 55' WIDE  
1003 COUNTY LAYOUT)

JOB NO.	12141
SHEET NO.	1 of 1
DWG. NO.	12141

ZONING CHANGE PLAN  
107 HANCOCK STREET  
BRAINTREE, MA 02184

PREPARED FOR  
107 HANCOCK, LLC  
232 WEST STREET  
BRAINTREE, MA

**alpha**  
ALPHA ENGINEERING, INC.  
855 WAREHAM STREET  
BRAINTREE, MA 01905  
(781) 845-5505

DATE	SCALE	DRAWN	CHECKED
18-17-2012	1" = 40'	RAP	---

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR DATE

*Abella & Pucci*

T.C.O. 12.049



**COUNCIL ORDER NO. 12-049**

**PETITION OF  
HANCOCK REALTY TRUST  
TO REZONE THE  
RESIDENCE B PORTION  
TO GENERAL BUSINESS DISTRICT**

**Premises: 107 Hancock Street**

**Assessors Reference: Map 1009 0 68**

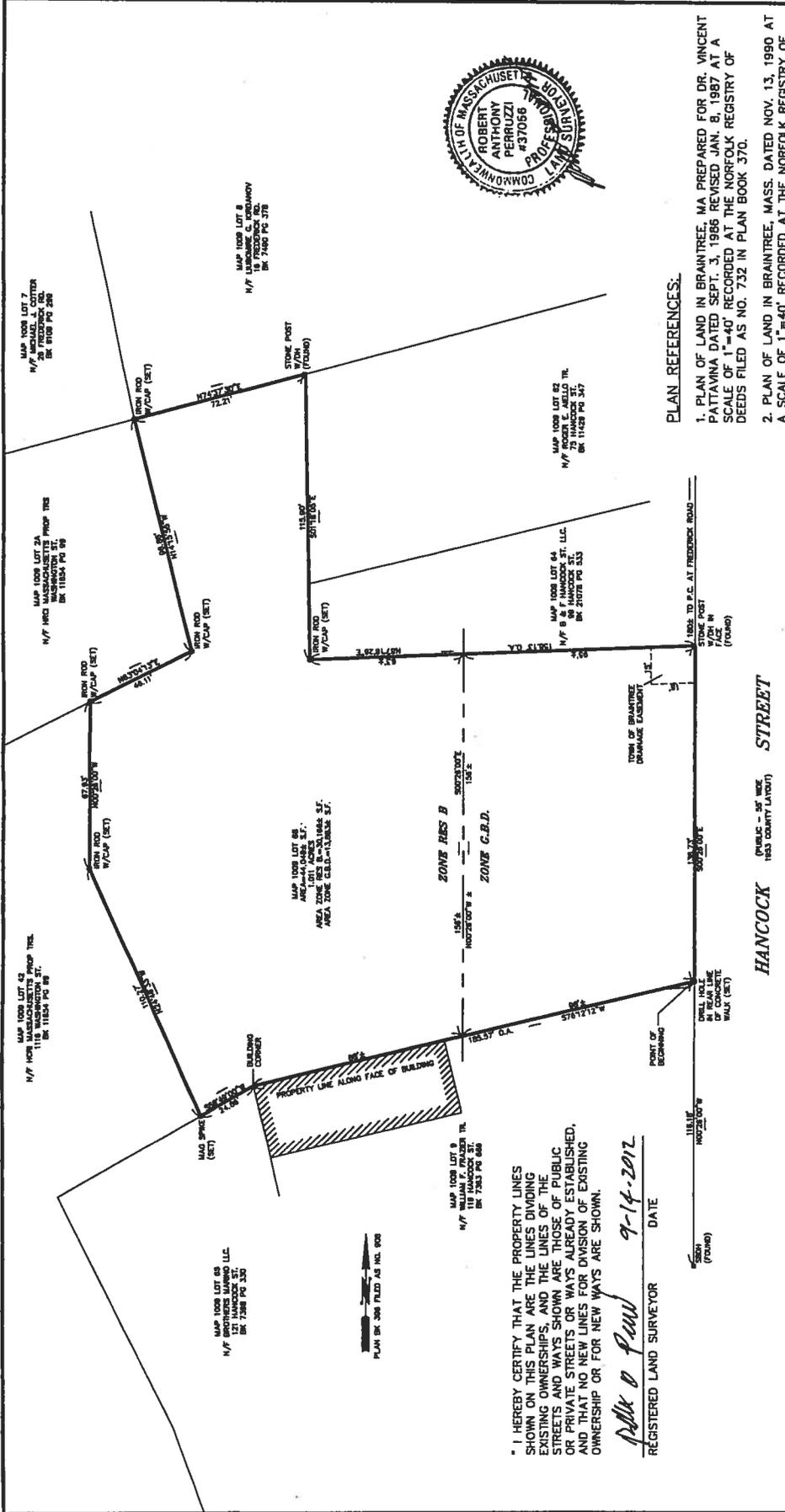
**Rezone Area: 30,166 S.F.**

## INDEX

1. Zoning Change Plan
2. Aerial View
3. Chronology
  - A. 1949 – Building Permit
  - B. 1953 – Highway Takings Along Hancock Street
  - C. 1979 – Braintree Zoning Board of Appeals Decision,  
Subdivision Plan of Land and Building Permit
  - D. 1985 – Braintree Zoning Board of Appeals Comprehensive  
Permit Decision
  - E. 1989 – Demolition Permit
  - F. 1990 – ANR Plan of Land

Tab 1

Zoning Change Plan for 107 Hancock Street Residence  
B to General Business District



I, HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

*Robert A. Perruzzi*  
 REGISTERED LAND SURVEYOR      DATE 9-14-2012

**PLAN REFERENCES:**

1. PLAN OF LAND IN BRAINTREE, MA PREPARED FOR DR. VINCENT PATTAVINA DATED SEPT. 3, 1986 REVISED JAN. 8, 1987 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 732 IN PLAN BOOK 370.
2. PLAN OF LAND IN BRAINTREE, MASS. DATED NOV. 13, 1990 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 908 IN PLAN BOOK 396.
3. PLAN AND PROFILE SHOWING THE RELOCATION AND WIDENING OF A PORTION OF HANCOCK STREET, BRAINTREE FROM WASHINGTON ST. AT PLAIN ST. TO WASHINGTON ST. AT PEARL ST. AS MADE BY THE NORFOLK COUNTY COMMISSIONERS DATED JUN 9, 1953 AT A SCALE OF 1"=20' RECORDED AT THE NORFOLK REGISTRY OF DEEDS AS NO. 889-893 IN PLAN BOOK 178.

DATE 6-17-2012		SCALE 1" = 40'		DRAWN RAP		FIELD RAP/AMC		CHECKED ---	
PREPARED FOR 107 HANCOCK, LLC 232 WEST STREET BRAintree, MA					JOB. NO. 12141				
ZONING CHANGE PLAN 107 HANCOCK STREET BRAintree, MA 02184					SHEET NO. 1 of 1				
					DWC. NO. 12141				

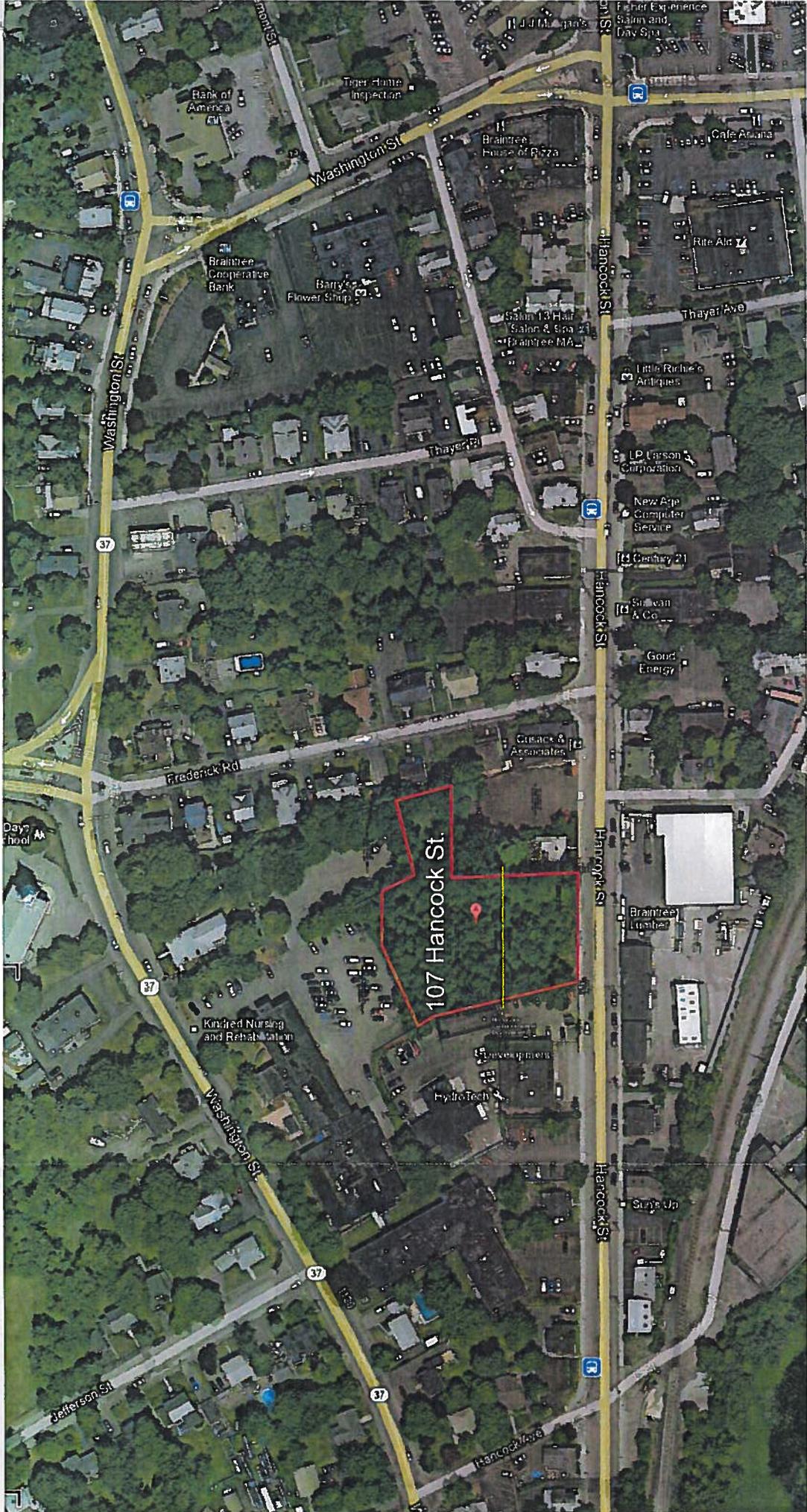
HANCOCK STREET (PUBLIC - 55' WIDE 1983 COUNTY LAYOUT)

WEST STREET

## Tab 2

### Aerial View:

- Premises outlined in Red
- Location of District Dividing Line – General Business/Residence B



Hancock Street Realty Trust

### Tab 3

#### Chronology:

- 1940 Zoning adopted in Braintree
- Initial zoning created a “split” zoned lot (Business/Res B)
- 100’ deep district dividing line parallel to Hancock Street
  - Front portion along Hancock – Business
  - Rear portion – Residence B

Tab 3A

1949 – Building Permit #321: Issued to construct a roadside fruit and vegetable stand

- Lot and roadside stand shown on the 1953 Plan
- Alteration to market in 1950, and 1952

Permit Granted 9/13/49  
FEES \$ 1.00 Pd.

No. 321

# APPLICATION FOR PERMIT TO BUILD

Braintree, Mass. 9/13 1949

## TO THE INSPECTOR OF BUILDINGS:

- Fire Resisting Building
- Slow Burning Building
- Wood Construction Building

*build roadside stand*

The undersigned hereby applies for a permit to \_\_\_\_\_, according to the following specifications:

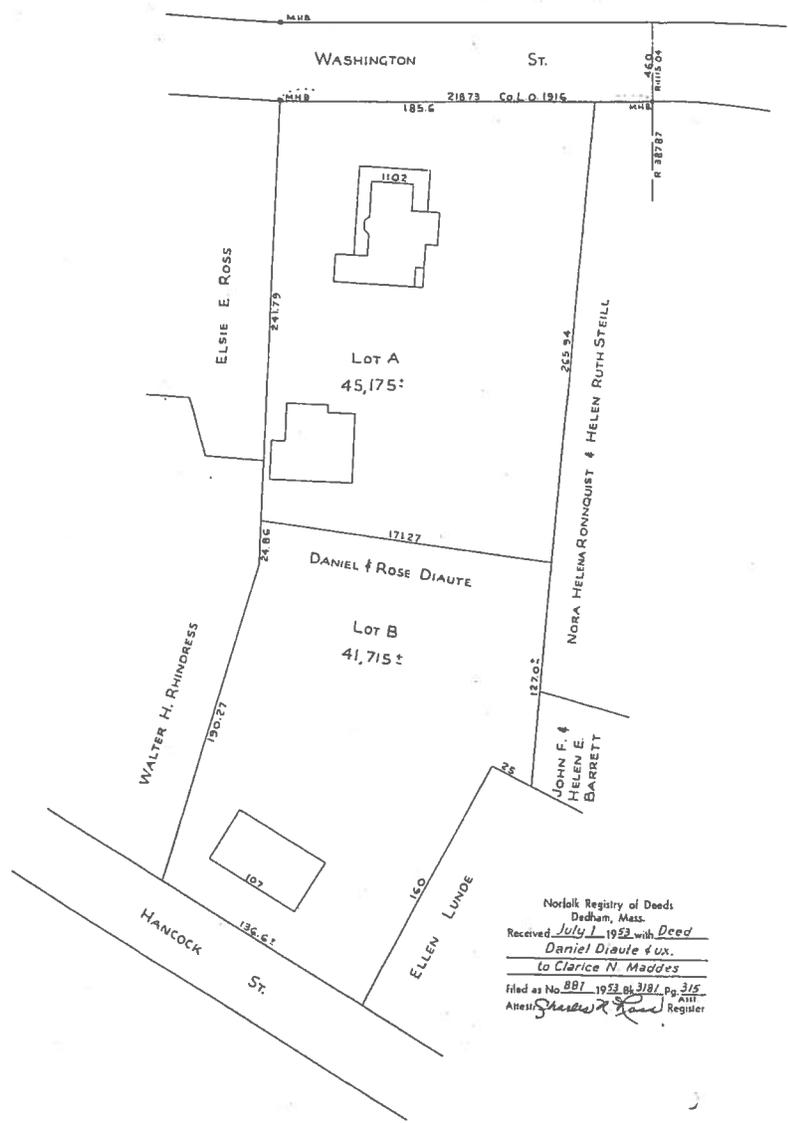
1. Owner of Building Daniel Diaute Address 1102 Washington St. So. Braintree
2. Architect \_\_\_\_\_ Address \_\_\_\_\_
3. Builder \_\_\_\_\_ Address \_\_\_\_\_
4. Location of building Hancock St. #107 } Apply to Town Engineer
5. Nearest street Hancock St. } for street number
6. Purpose of building Sell Fruits + Vegetables
7. Material of building Wooden Building
8. Size of lot, No. of feet front 138'; No. of feet rear 108'; No. of feet deep 100'
9. Size of bldg. No. of ft. front 46'-5.0'; No. of feet rear 41'-3.0'; No. of feet deep 15'
10. No. of stories, front 1 rear 1
11. No. of feet in height from level of ground to highest part of roof 15'
12. Distance from lot line, front 2.0' feet; side 7.0' ft; side 4.0' ft.; rear 7.5' ft.
13. Size of posts? 4 X 6 size of girts? \_\_\_\_\_ size of girder? \_\_\_\_\_ span \_\_\_\_\_
14. Size of floor timbers? 1st floor coner. 2d \_\_\_\_\_ 3d \_\_\_\_\_
15. What is the material of foundation? concrete thickness of \_\_\_\_\_
16. Underpinning, material of \_\_\_\_\_ height of \_\_\_\_\_ thickness of \_\_\_\_\_
17. Will the roof be flat, pitch, mansard or hip? \_\_\_\_\_ Material or roofing State surf
18. How will the building be heated? stove Will the flues be lined? yes
19. Will the building conform to the requirements of the law? Yes
20. Probable cost above land \$1000

Plans submitted Plot 9/13/49 Received by J.P.

Signature of owner or authorized representative Daniel Diaute

Address 1102 Washington St. So.

SUBDIVISION OF LAND  
 IN  
 BRAintree, MASS.  
 SCALE 1"=40' MAY, 1953  
 C. H. M<sup>c</sup> LAUGHLIN SURVEYOR  
 BRAintree, MASS.  
 OWNER - DANIEL & ROSE DIAUTE



Norfolk Registry of Deeds  
 Dedham, Mass.  
 Received July 1, 1953 with Deed  
Daniel Diaute & ux.  
to Clarice N. Maddes  
 Filed as No. 887-1953 pt. 3181 Pg. 315  
 Attest Shelley R. [Signature] Register

Tab 3B

1953 – Highway takings along Hancock Street from South Braintree Square at Pearl and Washington along Hancock Street to Route 37.

- Taking Plan shows “Street Scene” and use on Hancock Street Corridor and expanded market at 107 Hancock.



### Tab 3C

1979 – Braintree Zoning Board of Appeals Decision granted zoning relief to use the portion of the Premises shown on 1979 Subdivision Plan for Business Use

- Board determined that under the split lot provision of the zoning bylaws plus an additional 23 linear feet projection could be used for Business Use
- Special permit issued by the Braintree Planning Board to construct and expand - two story addition to existing market store
- Building Permit #104 dated April 14, 1981 for a 4400 S.F. building
- Never constructed



107 Hancock ✓  
OK cond.

BOARD OF APPEAL UNDER THE ZONING BY-LAW  
BRAINTREE, MASSACHUSETTS

September 27, 1979

9/29 cond.

PETITION OF RONALD G. ABELL

DECISION

This is an appeal filed by Ronald G. Abell for relief under Section 306 wherein permission is requested to extend approximately 23 feet beyond the 150 feet allowed into an adjacent zone on property located at 107 Hancock Street, a business and residence B area.

Pursuant to notice duly published in the Braintree Star and written notice to the owners of property deemed by the Board to be affected thereby, including abutters and owners of property adjoining abutters of the premises under consideration, a public hearing was held in the Town Hall, South Braintree, on September 12, 1979. The Board consisted of Messrs. Joseph C. Avitabile, Peter J. Lee, Jr., and Harry T. Powers.

1009  
B  
Petitioner was represented by Steven Haseeb, of Associated Engineers & Architects, of Braintree. It was stated that existing site is presently used for business; that property is in a business and residence B area and that under our existing zoning by-laws Petitioner is able to extend its business use 150 feet into the residence B zoned area; that he seeks authority to use a triangular parcel located twenty-three feet beyond the one hundred fifty foot limited business use area as part of the business parking area; that parcel presently consists of a market and a small office building; that these existing buildings will be razed and proposed new two-story office building measuring 50 feet by 100 feet is to be constructed; that the first floor will probably contain the former Hancock Market retail store and office space; that retail offices will occupy the second floor; and that the building and parking for 66 spaces will be located entirely within the business zoned area and the 150 foot area permitted use in the residence B area.

Petitioner stated that he was forced to buy locus to provide additional parking for his present ski shop located adjacent to the locus; that he will properly landscape and drain locus so as to minimize any flooding in the area; and that he is cognizant of the flooding problems in the area and customer parking problems created by his business customers to many of his abutters and feels that the granting of this Petition will greatly alleviate this problem. It was also stated that the contemplated use of locus would greatly improve the neighborhood, decrease debris, and remove what has become an unsightly building.

No one appeared in favor of the Petitioner.

Joyce Lund, an abutter at 99 Hancock Street, appeared and read a prepared statement which set forth the several problems presently existing in the immediate area, namely: lack of adequate drainage, susceptibility of flooding during heavy rainstorms caused by lack of proper or adequate drainage, parking, sliding of dirt from Petitioner's land onto her land during periods of heavy rainfall, and

problems created by persons parking and driving across her property while doing business with Petitioner, and the failure of Petitioner to properly care for and maintain existing drains on his property. Comments were also made concerning empty bottles and debris on Petitioner's property which during periods of rain caused drainage and water flowage blockages. She also feels that removal of trees has added to an already existing problem. While not actually opposed to the granting of this petition, she wanted it made known that a proper attitude and added attention towards the cleaning up of the area and better attention to cleaning and maintenance of drains, and installation of berms in Petitioner's parking area, would serve to greatly improve the existing problems.

John and Rose Tobin, owners of property at 10 Frederick Road, immediate abutters to Petitioner's ski shop, complained of present flooding caused to their property and future cellar flooding they would receive were petition granted, plus resulting affect upon the value of their property. Charles and Geraldine Morgan, of 29 Frederick Road, and George and Ruth Beardon, of 33 Frederick Road, expressed strong concern about present parking problems and the annoyance to them by customers using existing petitioner's ski shop; that proposed new building will require more parking, and the result is merely moving the problem from one place to another; that traffic now is next to impossible; that ski shoppers will use proposed parking area to rear of new building; and that entrance to proposed building is inadequate and improperly planned.

#### FINDING

The Board is cognizant of the existing drainage, flooding, traffic and parking problems presently existing with the ski shop business presently being operated by the Petitioner at the corner of Hancock Street and Frederick Road. Under proper supervision by the duly constituted Town departments concerning the construction of the proposed building, elimination of some of the flooding, traffic and parking problems existing in the immediate area may be accomplished. The razing of the present existing market and small office building will be an improvement to the neighborhood. The locus is within a business zoned area and within 150 feet of a residence B area; and, but for a 23-foot triangular parcel beyond the 150 feet, Petitioner would not have found it necessary to appear before the Board.

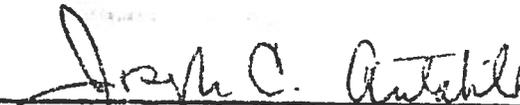
The Board is of the unanimous opinion that the granting of this petition would in no way be detrimental to the public good, nor derogate from the intent of the zoning by-law. Also, a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship to the petitioner. The Board is of the opinion that the granting of this Petition would be in the best interests of the neighborhood.

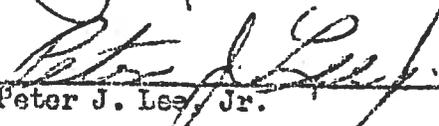
Upon motion duly made and seconded, it was unanimously

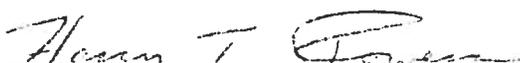
VOTED: To allow the Petition, but upon the following terms and conditions, which must be strictly adhered to as a specific condition to the allowing of this Petition, to wit:

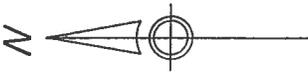
A. That the size of the proposed building be reduced to 50' by 75' and that said proposed building is not to exceed two stories.

B. That plans and specifications and location of the proposed building, the entrance to the locus, the parking spaces, drainage systems, and berms are to be approved in writing by both the Town Engineer and the Town Building Inspector as a pre-requisite to the granting of any building permit; and if all of the above conditions are met construction of proposed building must be commenced within one year of the date of the filing of this decision with the Town Clerk.

  
\_\_\_\_\_  
Joseph C. Avitabile, Chairman

  
\_\_\_\_\_  
Peter J. Lee, Jr.

  
\_\_\_\_\_  
Harry T. Powers



HANCOCK STREET (Public - 55.00' Wide) (Co. Layout of 6-9-53)

OWNER: RONALD G. ARELL  
115 ST. CLAIR ST.  
BRAINTREE, MA. 02184

# SUBDIVISION PLAN OF LAND IN BRAINTREE, MASS.

SCALE IN FEET  
0' 10' 20' 40' 60' 80'

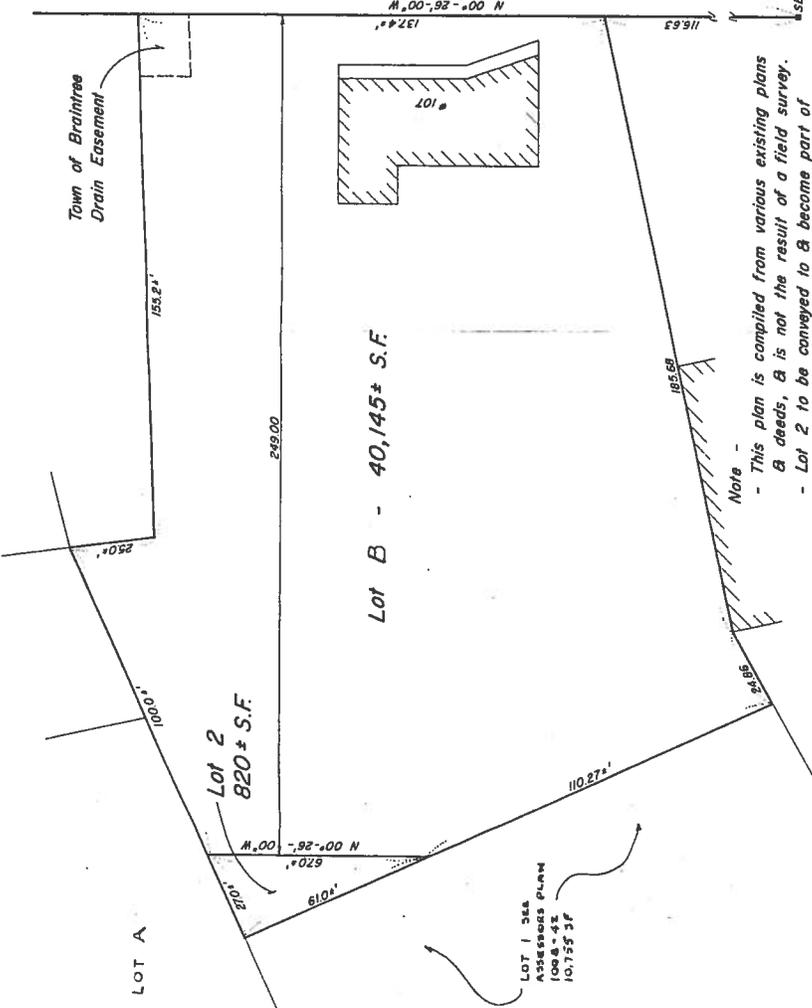
Revision of  
Scale 1" = 20'  
Date: 9-24-79  
Drawn by: AJH  
Checked by: CEG

OLD STATE MAPS  
100 STATE ST.  
BOSTON, MASS. 02109  
GEOGRAPHIC, S.H.  
807-251-1237

Project No. 2362B  
Sheet 1 of 1



I certify that this plan, as prepared, conforms to the rules and regulations of the Registers of Deeds.  
Sept 24, 1979



Note -  
- This plan is compiled from various existing plans & deeds, & is not the result of a field survey.  
- Lot 2 to be conveyed to & become part of adjacent southwesterly property. (Lot 1 Assessors PLAN 1008-42)

For Registry Use Only

Norfolk Registry of Deeds  
Dedham, Mass.  
Received Oct 4, 1979 with ~  
PLN. 280 1979 Bk 553/62  
Attest: Register

Date: October 2, 1979  
Approval Under The Subdivision Control Law Not Required.

Charles E. Sullivan  
Richard J. Sweeney  
William J. Sweeney

Braintree Planning Board

Permit Granted 4/14/81 F.V. Mammella

No. 104 ✓

FEES \$ 97.00 PAID CHECK

# APPLICATION FOR PERMIT TO BUILD

TO THE INSPECTOR OF BUILDINGS. Braintree, Mass. APRIL 14 19 81

The undersigned hereby applies for a permit to: Construct (  ) Alter (  ) Add (  ) Erect (  ) Install (  ) Demolish (  ) Move (  ) Other (  )

1. Owner RONALD G. ABELL Phone 843-2555
2. Legal Address 89 HANCOCK ST. Zip Code \_\_\_\_\_
3. Proposed Use RETAIL & OFFICE BLDG Zoning District BUSINESS
4. Location of Structure 107 HANCOCK ST
5. Structure is to be 60 ± feet wide by 46 ± feet long by 15' feet high ADDITION TO EXIST. BLDG
6. Type of Construction and Use Group Classification (Mass. State Code) BAM. 4A CONST.
7. Calculated Floor Areas (Square Footage) ADDITION 2800 S.F. EXIST. 1600 S.F.
8. Size of lot: No. of feet front 137 ±; No. of feet rear 177 ±; No. of feet deep 210 ± A=40,145 sq ft
9. Distance from lot line, front EXIST 10 ± feet; side EXIST 15 ± ft.; side EXIST 55 ± ft.; rear 155' ft.
10. Framing: Species of Wood and Stress Value #1 CONST. GRADE Size of Beam or Girder \_\_\_\_\_
11. Floor Joists: Size \_\_\_\_\_ Spaced \_\_\_\_\_ in. o.c. Span \_\_\_\_\_ feet.
12. Rafters: Size 2x10 Spaced 16 in. o.c. Span 15' feet.
13. Trusses: Top Chord \_\_\_\_\_, Bottom Chord \_\_\_\_\_, Span \_\_\_\_\_ Spacing \_\_\_\_\_ o.c.
14. Type and Size of Sheathing: Floors \_\_\_\_\_, Walls 1/2 Fiberboard, Roof 1/2 PLYWOOD
15. Insulation thickness and material; Foundation Walls 2" STYROFOAM Under first floor 2" STYROFOAM  
Exterior Walls 3 1/2" FIBERGLASS Ceiling 6" FIBERGLASS Insulating Glass 1" Storms \_\_\_\_\_
16. Type of Heat \_\_\_\_\_
17. Contractor OWNER Phone \_\_\_\_\_
18. Legal Address \_\_\_\_\_ Zip Code \_\_\_\_\_
19. Probable Cost 25,000-
20. Remarks PLANS SUBMITTED renovate & add  
FIRE ZONE, WALLS TO BE PROTECTED.

The undersigned assumes responsibility for compliance with the State Building Code and other applicable codes, ordinances, bylaws, rules, and regulations of the Town of Braintree.

Signature James V. Cunningham P.E. Title Professional Engineer

BRAINTREE PLANNING BOARD

Meeting of November 6,, 1979.

AGENDA ITEM # 1. DESCRIPTION 107 Hancock St. Special Permit Application.

BOARD AUTHORITY: STATUTORY Ch. 40A. BYLAW S. 604.  
OTHER \_\_\_\_\_.

PURPOSE: ACTION REQUIRED Public Hearing  
DEADLINE February 5,, 1979.

PETITIONER: NAME: Ronald G. Abell  
ADDRESS 125 St. Claire St. Braintree,

CORRESPONDENCE:	FROM	TO:	DATED
	<u>Coordinator</u>	<u>Town Engineer</u>	<u>10-10-79</u>
	<u>Coordinator</u>	<u>Building Inspector</u>	<u>10-10-79</u>
	<u>Steven Habeeb</u>	<u>Planning Board</u>	<u>10-4-79</u>
	<u>Coordinator</u>	<u>Police Department</u>	<u>10-10-79</u>

GENERAL COMMENTS FROM COORDINATOR:

1. A minimum slope of .5<sup>o</sup>/<sub>o</sub> should be maintained on all drainage pipes. The slopes indicated on the plan are probably in error and should be corrected.
2. All surface runoff (excluding roof drains) are shown to connect into an existing 10" clay pipe. The capacity of this existing drain should be determined with respect to its' ability to accept any additional runoff.
3. The architecture of the building should be shown to be consistent with the surrounding neighborhood character.
4. All drainage pipes should be concrete or reinforced concrete rather than the P.V.C. and P.C. shown on the plans.

5. A manhole should be installed at the junction of the 52' 6" P.V.C. @ 0.01 <sup>o</sup>/<sub>o</sub> and the 8" P.C. @ 0.013 <sup>o</sup>/<sub>o</sub>, and the connection should be straight into the manhole with no bends in the pipe.
6. Landscaping and open space should be clearly delineated to substantiate the 15.8 <sup>o</sup>/<sub>o</sub> open space provided. The area between the sidewalk and the easterly end of the building should be shown as landscaped or otherwise inaccessible to vehicular traffic.
7. Although it is generally beneficial to provide ample parking facilities, reasons should be given for the need to provide 15 extra spaces, as this space could be used for open space. Also, the additional parking indicates a greater traffic impact on Washington Street.
8. The nature and proposed operating hours of the business should be specified. Consideration should be given to the Nursing Home which abutts to the west.

Tab 3D

1985 – Braintree Zoning Board of Appeals  
Comprehensive Permit Decision

- Granted a Comprehensive Permit under MGL. c. 40B for the construction of 128 units of elderly housing on the Premises
  - Never constructed



107 Hancock St. ✓

OK Conds. 6-25-85

RECEIVED  
OFFICE OF THE  
ASSISTANT ATTORNEY GENERAL  
STATE OF MASSACHUSETTS

# BOARD OF APPEAL UNDER THE ZONING BY-LAW BRAINTREE, MASSACHUSETTS

PETITION OF BRAINTREE MANOR ELDERLY HOUSING  
LIMITED DIVIDEND, 107 HANCOCK STREET, BRAINTREE

JUL 11 1985  
RECEIVED  
OFFICE OF THE  
ASSISTANT ATTORNEY GENERAL  
STATE OF MASSACHUSETTS

This is an application submitted to the Board, pursuant to M.G.L. Chapter 40B, sections 20 and 21, for issuance of a single comprehensive permit to allow construction of 128 units of elderly housing set forth in plans of record entitled "Braintree Manor Elderly Housing" dated January 30, 1985, and prepared by V. Paukulis and Associates, Inc., Registered Architects.

An application for comprehensive permit, dated March 29, 1985, was filed with the Board. Pursuant to M.G.L. Chapter 40B, section 21, the Board notified and solicited recommendations from local boards and department heads.

Notice of a public hearing was duly published in the Braintree Observer-Forum newspaper; notice was duly posted in the Town Hall in accordance with the provisions of M.G.L. Chapter 40A, section 11, and written notice was sent to the owners of property deemed by the Board to be effected thereby, including abutters and owners of property adjoining abutters of the premises under consideration.

A public hearing was held in the Town Hall on Wednesday evening, April 24, 1985. The Board consisted of Msrs. Joseph P. McParland, W. Donald Crispin and Stephen P. Karll.

The Petitioner was represented by Frank A. Marinelli, Attorney at Law. Attorney Marinelli stated that the proposed facility will abut the Braintree Manor Nursing Home, an elderly care facility presently owned and operated by Petitioner's principals, Vincent Pattavina, M.D. and O. Frances Pattavina. Petitioner presented evidence as to its limited dividend status. Petitioner introduced photographs of the presently blighted site, that of an abandoned grocery store, upon which the elderly units will be constructed.

Attorney Marinelli presented, in detail, the pertinent law, M.G.L. Chapter 40B, and its standards. The presentation included the following evidence: Testimony of the Executive Director of the Braintree Housing Authority, Marlene Hoey, statistically documenting the need for the proposed housing; Table 54a of the United States Census Bureau's 1980 Decennial Census, documenting housing units in Braintree (1980) at 11,716; testimony from the Braintree Building Department, John Nicholson, as to the addition of 275 housing units since 1980, establishing a current figure of 11,991 total housing units.

12-1

Attorney Marinelli stated that although other housing starts have continued in Braintree, there has not been any low income or elderly housing construction, under Chapter 40B or otherwise, since early 1983. Evidence was presented that Braintree presently has approximately 734 housing units which qualify as low or moderate income housing under Chapter 40B. According to Petitioner, this leaves a Town-wide deficit of over 400 housing units under Chapter 40B. As presented by Petitioner, ten (10%) percent of the Town's housing units must be devoted to the low or moderate income, including the elderly, in order to fulfill "local needs" as set forth in M.G.L. Chapter 40B.

Petitioner presented further evidence, pursuant to M.G.L. Chapter 40B, that less than 1.5% of the Town's total land (deducting public lands and streets) is devoted to low or moderate income housing.

Petitioner presented further evidence that, pursuant to M.G.L. Chapter 40B, in this calendar year, neither ten acres nor three-tenths of one per cent of the Town's land has been devoted to low or moderate income housing.

Attorney Marinelli introduced the certificate of unanimous vote of the Braintree Housing Authority to designate revenue bonds for the Braintree Manor project; said bonds issued pursuant to the TELLER program, Tax Exempt Local Loans to Encourage Rental Housing.

Further evidence was presented as follows: The location of the proposed development, at Braintree Center, offers an ideal support environment for the elderly, not available at any other Braintree site; a professional traffic study prepared by Boston Survey Consultants shows negligible impact of the development upon existing traffic; the development, with 79 sheltered parking spaces, offers more than the widely accepted one parking space per two units formula for elderly housing; 128 units presents a threshold of economic feasibility in light of the significant percentage of low income, non-market rate units (computations presented by Petitioner's expert); the proposal represents a higher use of significant business-zoned land; and the proposal markedly reduces the Town's deficit for low or moderate income housing as prescribed under M.G.L. Chapter 40B.

The Board received much correspondence, reports and evaluations, both in favor of and in opposition to the proposed elderly housing. At the hearing, several individuals spoke in favor of granting the comprehensive permit. One resident spoke in opposition to the project on April 24, 1985.

12.2

FINDING

The Board is not unmindful of the considerable input it has received, both pro and con, with respect to the proposed elderly housing development, particularly as concerns issues of density, height, traffic and other health, safety and welfare issues. Likewise, the Board is not unmindful of the superceding state interest, and this Board's obligation, to permit low or moderate income housing, as set forth in M.G.L. Chapter 40B, and the Board's concomitant mandate to override restrictive local by-laws when necessary to address the higher need of providing low or moderate income housing.

On all the evidence, reports and any other materials and/or testimony submitted, the Board finds that Braintree has a considerable deficit, over 400 housing units, with respect to the number of low or moderate income housing units to be provided under M.G.L. Chapter 40B. The Board finds, pursuant to M.G.L. Chapter 40B, that the existing situation is not consistent with local needs. The Board believes that the higher state policy interest must prevail and that primarily local concerns must give way and/or be addressed through the conditions provided herein.

WHEREFORE, the Board voted unanimously, on April 24, 1985, to GRANT a Comprehensive Permit to Petitioner, pursuant to M.G.L. Chapter 40B, lifting Zoning By-Laws obstructive to the proposed housing, subject to the following conditions:

1. For a period of thirty years, the elderly housing development shall not be condominiumized, but shall be maintained as rental units.

2. The duration of units designated low income units and units designated moderate income units shall be consistent with the provisions of the TELLER program and any other applicable program or regulation.

3. Twenty five (25%) percent of all units shall be designated for low income elderly, where not inconsistent with applicable law and/or regulations, and provided that such condition will not make the proposed housing uneconomic.

4. In recognition of financing requirements, a bonafide mortgagee shall not be subject to Condition 1.

5. The Braintree Housing Authority shall develop a tenant selection plan with respect to the low or moderate income units, where consistent with applicable laws and regulations.

6. The Hancock Wing shall be set back twenty five feet from Hancock Street, unless such setback jeopardizes the health, safety and welfare of inhabitants (i.e. rendering the building potentially inaccessible or difficult to reach by fire and/or life-saving apparatus).

(2.3

7. Access to the development's commercial space shall be from the premises only, with no access fronting on Hancock Street for use by the general public.

8. One meal per day shall be made available to each resident.

9. Implementation of the recommendations of the Fire Safety Officer, Lt. John Grande (i.e. no courtyard foundation, adequate archway clearance and 100% sprinkled building).

10. Habitable space shall not extend more than fifty-one (51) feet above the Hancock Street grade, nor more than forty-eight (48) feet above the Washington Street grade.

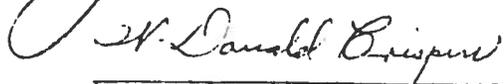
11. Petitioner shall seek the advice of Town Engineer relative to prevention of drainage problems.

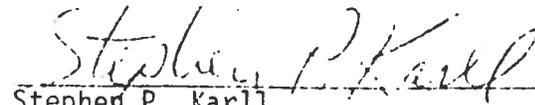
12. Construction shall comply with all applicable State and Federal Building Codes, and shall be approved by the Building Inspector.

Upon Motion duly made and seconded, with each member voting in the affirmative on April 24, 1985, it was unanimously

VOTED: To GRANT the petition, subject to the conditions outlined above.

  
\_\_\_\_\_  
Joseph P. McParland

  
\_\_\_\_\_  
W. Donald Crispin

  
\_\_\_\_\_  
Stephen P. Karl

12-4

Tab 3E

1989 – Demolition Permit

- Vincent and O. Frances Pattavina razed the now vacant Hancock Market Building

Permit Granted

*J. Chumley*

Fee \$ 20.00

pl CK 6217

00052 ✓

# APPLICATION FOR PERMIT TO BUILD

TO THE INSPECTOR OF BUILDINGS.

Braintree, Mass.

2/28

19 89

The undersigned hereby applies for a permit to: Construct ( ) Alter ( ) Add ( ) Erect ( ) Install ( )  
Demolish (X) Move ( ) Other ( )

1. Owner Vincent & O. Frances PATTAVINA Phone 848-3100
2. Legal Address 232 West St. Braintree Zip Code 02184
3. Proposed Use — Zoning District B
4. Location of Structure 107 Hancock St. (old Hancock Market)
5. Structure is to be \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long by \_\_\_\_\_ feet high
6. Type of Construction and Use Group Classification (Mass. State Code) \_\_\_\_\_
7. Calculated Floor Areas (Square Footage) \_\_\_\_\_
8. Size of lot: No. of feet front \_\_\_\_\_ ; No. of feet rear \_\_\_\_\_ ; No. of feet deep \_\_\_\_\_
9. Distance from lot line, front \_\_\_\_\_ feet; side \_\_\_\_\_ ft.; side \_\_\_\_\_ ft.; rear \_\_\_\_\_ ft.
10. Framing: Species of Wood and Stress Value \_\_\_\_\_ Size of Beam or Girder \_\_\_\_\_
11. Floor Joists: Size \_\_\_\_\_ Spaced \_\_\_\_\_ in. o.c. Span \_\_\_\_\_ feet.
12. Rafters: Size \_\_\_\_\_ Spaced \_\_\_\_\_ in. o.c. Span \_\_\_\_\_ feet.
13. Trusses: Top Chord \_\_\_\_\_, Bottom Chord \_\_\_\_\_, Span \_\_\_\_\_ Spacing \_\_\_\_\_ o.c.
14. Type and Size of Sheathing: Floors \_\_\_\_\_, Walls \_\_\_\_\_, Roof \_\_\_\_\_
15. Insulation thickness and material; Foundation Walls \_\_\_\_\_ Under first floor \_\_\_\_\_  
Exterior Walls \_\_\_\_\_ Ceiling \_\_\_\_\_ Insulating Glass \_\_\_\_\_ Storms \_\_\_\_\_
16. Type of Heat \_\_\_\_\_
17. Contractor \_\_\_\_\_ Lic. # \_\_\_\_\_ Phone \_\_\_\_\_
18. Legal Address \_\_\_\_\_ Zip Code \_\_\_\_\_
19. Probable Cost 5000.00
20. Any proposed work within 100 feet of a vegetated wetland, body of water, or land subject to flooding requires notification of the Conservation Commission \_\_\_\_\_
21. Remarks Numbers 5-20 Not Applicable Est. Cost to demolish: \$5000.00

To be razed per request of Braintree Fire Dept.

The undersigned assumes responsibility for compliance with the State Building Code and other applicable codes, ordinances, bylaws, rules, and regulations of the Town of Braintree.

Signature *Monica R. [Signature]*

Title Agent for Owner

009  
LA

Tab 3F

1990 – ANR Plan of Land

The 1990 Approval Not Required Plan filed as Plan No. 908 in Plan Book 396 Norfolk Deeds shows current Lot B-1 containing 44,083 S.F. and shows the district dividing line between G.B.D. and Res B.

Note 2 on said Plan “REMOVED” the emergency access or R.O.W. from Lot B-1 to Frederick Road on the premises at 16 Frederick Road



**COUNCIL ORDER NO. 12-049**

**PETITION OF  
HANCOCK REALTY TRUST  
TO REZONE THE  
RESIDENCE B PORTION  
TO GENERAL BUSINESS DISTRICT  
SUPPLEMENT**

**Premises: 107 Hancock Street**

**Assessors Reference: Map 1009 0 68**

**Rezone Area: 30,166 S.F.**

## INDEX

### **SUPPLEMENT**

1. PLANNING BOARD RECOMMENDATION
2. PLANNING STAFF ANALYSIS
3. USES ALLOWED BY RIGHT/SPECIAL PERMIT
4. USES ALLOWED BY RIGHT/SPECIAL PERMIT
5. REAL ESTATE TAX BILL AND HISTORY OF ASSESSMENT  
AS ALL BUSINESS USE
6. INTERIM-PETITION IN SUPPORT BY PROPERTY AND  
SMALL BUSINESS OWNERS ON HANCOCK STREET  
CORRIDOR

1.



# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
1 JFK Memorial Drive – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

**TO: Charles Kokoros, Braintree Town Council President**  
**FROM: Braintree Planning Board**  
**DATE: January 14, 2013**  
**RE: Planning Board Recommendation - Town Council Order # 12-049**  
**REZONE REQUEST - Portion of 107 Hancock Street**

The Braintree Planning Board held a public hearing on December 11, 2012 which was continued to January 8, 2013. The Planning Board heard testimony from the Applicant's Attorney Carl R. Johnson, as well as handful of residents from Frederick Road that were in attendance at the Public Hearings.

The petitioner is requesting that certain lands described as a Portion of 107 Hancock Street being 30,166 Sq. Ft. be rezoned from Residential B to General Business, so that the entire 1.01 Acre parcel is of the same General Business Zoning designation.

In addition to the information contained in the Staff Report, there was discussion related to the use of the properties that abut the area proposed to be rezoned and how the further extension of pre-existing non-conforming uses could impact 107 Hancock Street if portions were left under the Residence B Zoning Designation. The Planning Board was of the opinion that a single parcel under one Zoning Designation (GB) would allow for a more unified development, whereas the use could be restricted and conditioned as part of permitting process.

### Description of 107 Hancock Street

Total Lot Area = 44,049 Sq. Ft.  
Currently Zoned General Business = 13,883 Sq. Ft./Currently Zoned Residence B = 30,166 Sq. Ft.  
107 Hancock Street (Map 1009/Plot 68)  
136.73 Feet of Frontage on Hancock Street

The Planning Board voted on January 8, 2013 to recommend favorable action to the Town Council on the rezone petition as submitted.

The vote is recorded as follows:

	<u>Favorable</u>	<u>Unfavorable</u>
Robert Harnais, Chair	X	
Joseph Reynolds, Vice-Chair	X	
James Eng, Member		NOT PRESENT
Darryl Mikami, Member	X	
Melissa B. McDonald, Member		NOT PARTICIPATING

w/attachment (Planning Staff Report to the Planning Board)

2.



## Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
1 JFK Memorial Drive - Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

Joseph C. Sullivan  
Mayor

### PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Melissa B. McDonald, Member

**TO: Planning Board**

**FROM: *M. Santucci* Melissa M. Santucci Rozzi, Principal Planner**

**DATE: November 29, 2012**

**RE: Staff Report - Petition to Rezone Land (T.C.O. #12-049)  
Portion of 107 Hancock Street - Map 1009/Plot 68  
Hancock Street Realty Trust, Applicant**

### Filing Information

On October 15, 2012 the Planning Board was transmitted a copy of a Petition For Rezone filed with the Town Council on October 15, 2012 and is referenced as Council Order #12-049. A Neighborhood Meeting is scheduled for December 6th, 2012. The Planning Board fulfilled all the noticing requirements pursuant to Chapter 40A Section 5 and a public hearing will be held on Tuesday December 11, 2012 at 8:00 P.M.

### Proposal/Request

The Applicant is seeking permission from the Town Council, which requires a recommendation from the Planning Board to rezone a 30,166 Sq. Ft. area of the Lot from Residence B to General Business.

### Description of the portion of 107 Hancock Street to be Rezoned

107 Hancock Street (Map 1009/Plot 68)  
Total Lot Area = 44,049 Square Feet  
Area Currently Zoned General Business = 13,883 Square Feet  
Area Currently Zoned Residence B = 30,166 Square Feet

The existing lot is rather unique in shape, with portions extending behind the direct abutters to the North. The first 95+/- Feet of depth is currently within the General Business District. This property is not located within the Village Overlay District. The lots within the neighborhood are zoned General Business, Residence B and Commercial. The uses within the neighborhood vary from residential (one/two and multi-family dwellings) to commercial uses such as Braintree Lumber. This area is directly South of South Braintree Square and is about  $\frac{3}{4}$  of a mile from the Red Line MBTA Station.

The lot is 100% open space and has a gently raising front to back slope with an elevation of 96 NGVD at Hancock Street and is at elevation 114 NGVD along the rear property line. The property also contains a small (18 Ft. by 15 Ft.) drainage easement in the northeast corner along Hancock Street. This site was also subject to a taking in 1953 for the Hancock Street layout.

### TOWN OF BRAINTREE ZONING MAP



#### Zoning Legend

- Crosshatched = General Business**
- Solid White = Residence B**
- Speckled = Commercial**
- Lined = Residence C**
- Crosshatched Speckled = Open Space**

#### History of the Site

This site formerly contain a building that was the location of the Hancock Market, which was an active use commencing about 1950. The use continued for some period and the building was demolished in 1989. There were also Development Decision granted for this site, which allowed the use of the residentially zoned portion of the lot as well as the most recent decision in 1985 that allowed a 128 Unit Comprehensive Permit for rental units for elderly residents, none of which were executed. The site has remained vacant since 1989 and was heavily vegetated until some recent clean-up was completed.

### **Analysis**

The Planning Staff has analyzed both the existing zoning and land-use patterns within the neighborhood. The Hancock Street corridor is a true mixed use area, as noted above in the report. The corridor both North and South of the site are occupied and utilized by a very broad spectrum of uses that range from residential to commercial; including small business to national chains. If the rear portion of this property were to be rezoned to general business it would create a development parcel that could be developed in a manner that is compatible with the surround land uses. As the parcel currently exists, the front 13,883 Sq. Ft. portion of the site could be developed. However, the rear portion would remain a dense vegetated area and force the development to be concentrated in the existing General Business portion. This could potentially result in a layout or development configuration that is less desirable than one that could take advantage of utilizing the entire property. Furthermore, this parcel in total is much larger than several other pieces of land within the corridor and if developed will comply with the current zoning standards which will result in appropriate yards, setbacks and parking. Which several sites in this area are now lacking.

The current site due its spilt zone and the fact that it is vacant has an assessed value of \$283,000.00. While the Planning Staff cannot present an exact duplicate of this lot in an improved state it is an extremely fair assumption that when and if this parcel is rezoned and developed in accordance with the General Business provisions the fiscal benefits to the community from a tax perspective is positive.

Based on the use history of the site and the Development Decisions granted for this parcel in the past it is clear that this site can support an active use. It also demonstrates that it is suitable for various uses as the ones that existed and the ones that were permitted are very different in nature and scale.

#### **w/attachments**

- 1. Full Application w/supporting narrative and legal description**
- 2. Survey Plan**
- 3. 1979 Engineering Plan depicted the former building located on the site**
- 4. Aerial View of the Corridor**

3.

## USES ALLOWED IN RESIDENCE B

### Uses Allowed by Right

- One Family
- Church, Synagogue or Religious Use
- Library
- School
- Agricultural use
- Commercial Day Care
- Essential Services

### Uses Allowed by Special Permit in Residence B

- Two Family Conversions
- Cemetery
- Community Center
- Congregate Living Facility
- Convalescent Home or Nursing Home
- Hospital
- Historic, Philanthropic or Charitable character
- Municipal Building
- Museum
- Golf Course

4.

USES ALLOWED IN GENERAL BUSINESS

2/13/13

Uses Allowed by Right

- Day Care Accessory
- Church/Religious Use
- Community Center
- Library
- Museum
- School
- Boat House/Marina
- Club or Lodge
- Golf Course
- Agricultural Uses
- Business/Professional Offices
- Data/Communications Center
- Day Care Commercial
- Essential Services
- Funeral Home
- Medical Center/Clinic
- Office Park
- Restaurant
- Retail Store/Less than 30,000 S.F.

Uses Allowed by Special Permit

- One Family
- Two Family Conversions
- Apartment House
- Lodging House
- Residence Above First Floor
- Cemetery
- Congregate Care Facility
- Convalescent Home and Nursing Home
- Hospital
- Historic, Philanthropic or Charitable Character
- Municipal Building
- Place of Assembly/Amusement
- Animal Clinic/Hospital
- Automotive Repair
- Bank
- Catering Service
- Commercial Recreation

- Fast Food Establishment
- Non-residential garage
- Hotel or Motel
- Freestanding, Exterior Kiosks
- Medical Center/Clinic
- Motor Vehicle Lease/Sales
- Service Station
- Training School
- Parking Facility
- Research Facility

5.

434 WBS1 31  
BRAINTREE, MA 02184-3911



Interest at a rate of 14% per annum will accrue on overdue payments until payment is made.

Collector of Taxes Barbara J. Walls		MAIL PAYMENTS AND MAKE PAYABLE TO: Town of Braintree P.O. Box 859209 Braintree, MA 02185-9209				Issue Date: 12/31/2012	
Your Actual Real Estate Tax for the fiscal year beginning July 1, 2012 and ending June 30, 2013 on the Parcel of REAL ESTATE described below is as follows:						BILL NUMBER	9123
						PARCEL NUMBER	1009-0-68
<b>PROPERTY DESCRIPTION</b>	TAX RATE	Residential	OpenSpace	Comm.	Industrial	Prof. Tax	\$3,375.16
LOCATION: 107 HANCOCK ST	PER \$1000	\$11.11	\$11.11	\$25.44	\$25.44	Prof. Credit	\$-3,375.16
Acre: 1.012 CLASS: 3910						Prof. Balance	\$0.00
BOOK / PAGE: 74 DEED DATE: 1/15/2004	Total Spec. Assessments					Interest on Balance	\$0.00
Land Value \$282,100	Community Pres. Act					Total Abatement	\$0.00
Building Value	Total Real Estate Tax					3rd Quarter Due	\$1,943.04
Other Value \$500	Tax & Spec. Assessments					4th Quarter Due	\$1,943.03
Taxable Value \$282,600							

**IMPORTANT NOTICE.** This is your Fiscal 2013 Actual Real Estate Tax Bill. First Coupon should be submitted with payment due 02/01/2013 Second Coupon with payment due 05/01/2013. The top portions are to be retained for your records. If you have any questions regarding the value of your property exemptions or abatements, please contact the Assessors Office at: (781) 794-8050.

**PLEASE NOTE:** There is a 24 hour drop off box available for your convenience in the side parking lot of Town Hall.

**PAYMENT COUPON #2**  
2013 REAL ESTATE TAX

Collector of Taxes Barbara J. Walls		PATTAVINA VINCENTO FRANCES TR HANCOCK STREET REALTY TRUST 232 WEST ST BRAINTREE, MA 02184-3911		ISSUE DATE: 04/01/2013	
Your Actual Real Estate Tax for the fiscal year beginning July 1, 2013 and ending June 30, 2013 on the Parcel of REAL ESTATE described below is as follows:				BILL NUMBER	9123
				PARCEL NUMBER	1009-0-68
<b>PROPERTY DESCRIPTION</b>	<b>ONLINE PAYMENTS AT</b> <a href="http://www.braintree.ma.gov">www.braintree.ma.gov</a> click online payments. (Credit card payments are subject to fees.)			4th Quarter Tax Due:	\$1,923.80
LOCATION: 107 HANCOCK ST				4th Quarter CPA	\$19.23
				4th Quarter Abatement	\$0.00
				Payments	\$0.00
				Pay this Amount	\$1,943.03
				<b>Due &amp; Payable 05/01/2013</b>	

MAIL PAYMENTS AND MAKE PAYABLE TO:  
Town of Braintree  
P.O. Box 859209  
Braintree, MA 02185-9209

024012013130000009123300001943030501138

**COUPON #1**  
REAL ESTATE TAX

Collector of Taxes Barbara J. Walls		PATTAVINA VINCENTO FRANCES TR HANCOCK STREET REALTY TRUST 232 WEST ST BRAINTREE, MA 02184-3911		ISSUE DATE: 12/31/2013	
Your Actual Real Estate Tax for the fiscal year beginning July 1, 2013 and ending June 30, 2013 on the Parcel of REAL ESTATE described below is as follows:				BILL NUMBER	9123
				PARCEL NUMBER	1009-0-68
<b>PROPERTY DESCRIPTION</b>	<b>ONLINE PAYMENTS AT</b> <a href="http://www.braintree.ma.gov">www.braintree.ma.gov</a>			Preliminary Balance	\$0.00

## Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2012	391 - POTENTL	0	500	282,100	1.01	0.00	282,600
2011	391 - POTENTL	0	500	289,200	1.01	0.00	289,700
2010	391 - POTENTL	0	500	296,200	1.01	0.00	296,700
2009	391 - POTENTL	0	500	296,200	1.01	0.00	296,700
2008	391 - POTENTL	0	500	282,100	1.01	0.00	282,600
2007	391 - POTENTL	0	500	282,100	1.01	0.00	282,600
2006	391 - POTENTL	0	500	282,100	1.01	0.00	282,600
2005	391 - POTENTL	0	500	211,600	1.01	0.00	212,100
2004	391 - POTENTL	0	500	183,400	1.01	0.00	183,900
2004	391 - POTENTL	0	500	183,400	1.01	0.00	183,900
2003	391 - POTENTL	0	500	183,400	1.01	0.00	183,900
2002	391 - POTENTL	0	800	168,800	1.01	0.00	169,600
2001	391 - POTENTL	0	800	168,800	1.01	0.00	169,600
2000	391 - POTENTL	0	800	168,800	1.01	0.00	169,600
1999	390 - LAND-C	0	800	128,300	1.01	0.00	129,100
1998	390 - LAND-C	0	800	128,400	1.01	0.00	129,200
1997	390 - LAND-C	0	800	128,400	1.01	0.00	129,200
1996	390 - LAND-C	0	800	157,400	1.01	0.00	158,200
1995	390 - LAND-C	0	800	157,400	1.01	0.00	158,200
1994	390 - LAND-C	0	800	157,400	1.01	0.00	158,200
1993	390 - LAND-C	0	900	209,800	1.01		210,700
1992	390 - LAND-C	0	900	209,800	1.01		210,700
1991	390 - LAND-C	0	900	218,400	1.70		219,300
1919	390 - LAND-C	0	900	209,800	1.01		210,700
1010	391 - POTENTL	0	500	296,200	1.01	0.00	296,700

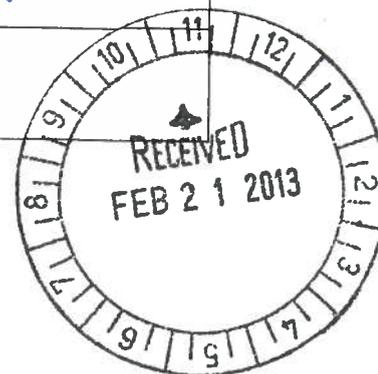
6.

COUNCIL ORDER # 12-049  
REZONE PORTION OF 107 HANCOCK STREET

We the undersigned property and business owners located on Hancock Street support the petition of Vincent and Frances Pattavina, Trustee's of Hancock Street Realty Trust to rezone the Residence B portion of their property located at 107 Hancock Street to General Business District.

The rezoning request will create a General Business property with sufficient dimensions to support a successful neighborhood business development along the Hancock Street corridor to the benefit of the community.

NAME:	Property Address:
<i>Manuel C</i> Manager 107 Hancock LLC	107 Hancock St., Braintree
<i>Donna Richards</i> 175 Hancock St	
<i>Allyson Allen</i>	86 Hancock St 8 Myrtle Ave 38 Crescent St.
<i>William J. Jiro</i>	119 HANCOCK STREET 99 HANCOCK STREET
<i>Robert J. Gurnon</i>	110 Hancock St
<i>Ronald A. Sibolt</i> For F. MESSINA	137 Hancock St.
<i>V. Vannu</i> 148 Hancock St.	136 HANCOCK ST. 148 HANCOCK ST.

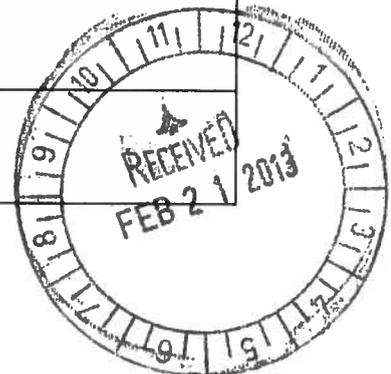


**COUNCIL ORDER # 12-049**  
**REZONE PORTION OF 107 HANCOCK STREET**

We the undersigned property and business owners located on Hancock Street support the petition of Vincent and Frances Pattavina, Trustee's of Hancock Street Realty Trust to rezone the Residence B portion of their property located at 107 Hancock Street to General Business District.

The rezoning request will create a General Business property with sufficient dimensions to support a successful neighborhood business development along the Hancock Street corridor to the benefit of the community.

NAME:	Property Address:
Thomas Pattavina, Mgr. 107 Hancock LLC	107 Hancock Street
Donato Richardi	175 Hancock Street
Elizabeth Flynn	86 Hancock Street 8 Myrtle Avenue 38 Crescent Street
William Frazier	119 Hancock Street 99 Hancock Street
Robert Gurnon	110 Hancock Street
Ronald A. Ciboti for F.X. Messina	137 Hancock Street
Vic Vavrosso	148 Hancock Street 136 Hancock Street



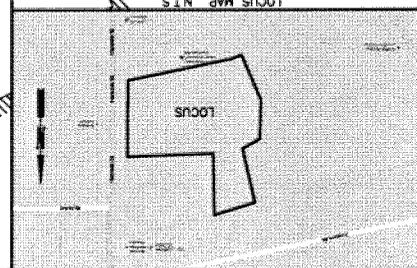
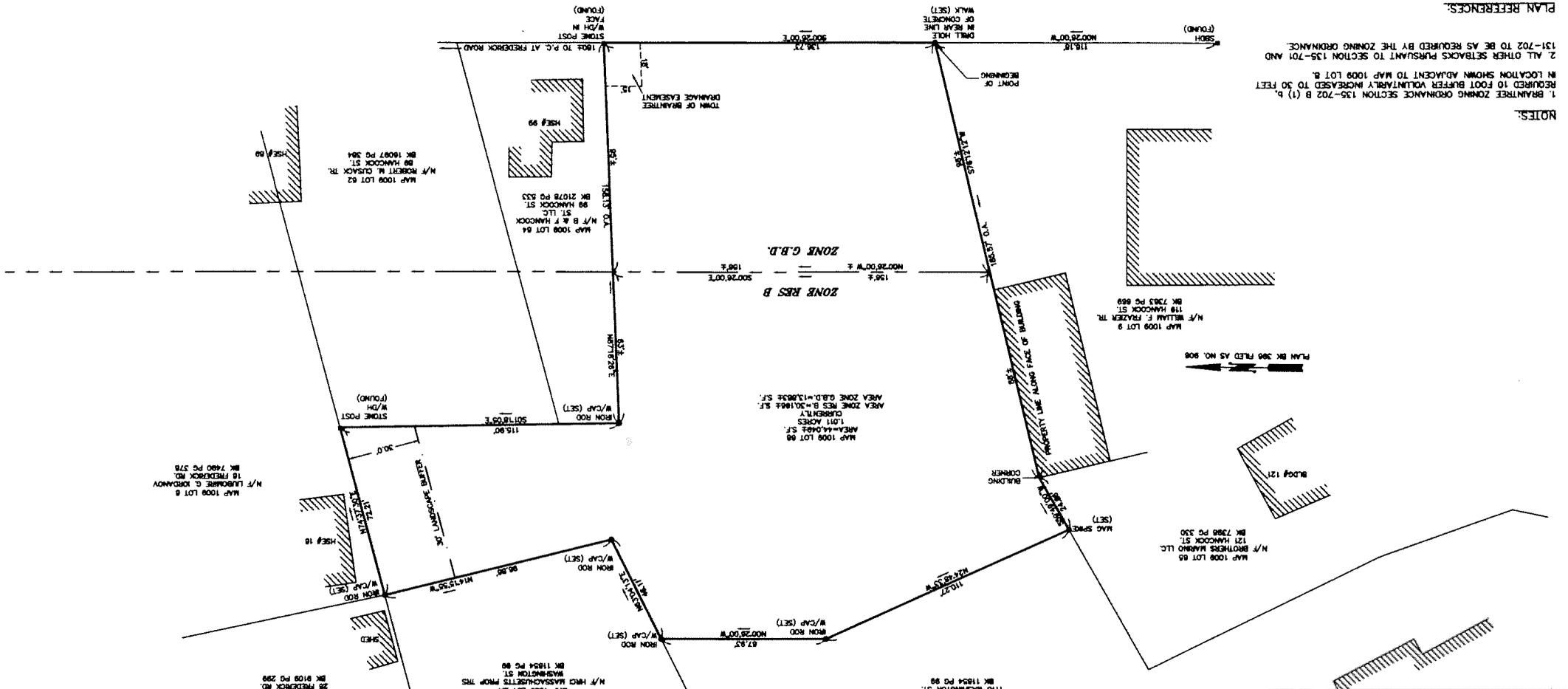
**PLAN REFERENCES:**

1. PLAN OF LAND IN BRAINTREE, MA PREPARED FOR DR. VINCENT PATAVNA DATED SEPT. 3, 1986 REVISED JAN. 8, 1987 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS AS NO. 732 IN PLAN BOOK 370.
2. PLAN OF LAND IN BRAINTREE, MASS. DATED NOV. 13, 1980 AT A SCALE OF 1"=40' RECORDED AT THE NORFOLK REGISTRY OF DEEDS FILED AS NO. 908 IN PLAN BOOK 398.
3. PLAN AND PROFILE SHOWING THE RELOCATION AND WIDENING OF A PORTION OF HANCOCK STREET, BRAINTREE FROM WASHINGTON ST. AT PEARL ST. TO WASHINGTON ST. AT PEARL ST. AS MADE BY THE NORFOLK COUNTY COMMISSIONERS DATED JUN. 8, 1959 AT A SCALE OF 1"=20' RECORDED AT THE NORFOLK REGISTRY OF DEEDS AS NO. 888-893 IN PLAN BOOK 178.

**NOTES:**

1. BRAINTREE ZONING ORDINANCE SECTION 135-702 B (1) & B (2) REQUIRED 10 FOOT BUFFER VOLUNTARILY INCREASED TO 30 FEET IN LOCATION SHOWN ADJACENT TO MAP 1009 LOT B.
2. ALL OTHER SETBACKS PURSUANT TO SECTION 135-701 AND 131-702 TO BE AS REQUIRED BY THE ZONING ORDINANCE.

**HANCOCK STREET**  
(PUBLIC - 35' WIDE)  
(1833 COUNTY LAYOUT)



ACCEPTANCE VOTED BY TOWN COUNCIL AT MEETING OF DATE

TOWN CLERK DATE

FILED AT TOWN CLERK'S OFFICE ON DATE

REGISTERED LAND SURVEYOR FOR ALPHA SURVEYING & ENGINEERING DATE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

**apma**  
ASSOCIATION OF PROFESSIONAL MASSACHUSETTS LAND SURVEYORS  
100 STATE STREET, SUITE 200, BOSTON, MA 02109  
TEL: 617-552-3333 FAX: 617-552-3334

**PLAN OF LAND  
107 HANCOCK STREET  
BRAINTREE, MASSACHUSETTS**

NO.	DATE	REVISIONS
1	12/14/11	ST. LAYOUT

NO.	DATE	REVISIONS
1	12/14/11	ST. LAYOUT

PREPARED FOR  
HANCOCK STREET REALTY TRUST  
232 WEST STREET  
BRAINTREE, MA 02104

REGISTRY USE ONLY

0 05 13

# PatriotLedger.com

## Braintree mayor sets goals for 2013

By Fred Hanson

[The Patriot Ledger](#)

Posted Jan 15, 2013 @ 01:52 AM

Last update Jan 15, 2013 @ 01:55 AM

### Business News

[5 Steps to Avoiding Your Own Fiscal Cliff](#)

[Why You Must Document Your Charitable Deductions](#)

[Crave Job Interview Questions to Expect From U.S.' Greatest Companies](#)

### Suggested Stories

[First Bridgewater suspect back behind bars](#)

[Braintree police detective Maura Cesarin loses...](#)

[Quincy man charged in South Shore Plaza theft](#)

### From the Web

[Teen Drunk Driver Busted After Hit & Run Facebook... Gloom Wire](#)

[9-year-old Girl Gives Birth to a Baby Boy Itsvbitsteps](#)

[Crave Places - Photo Tour Away.com](#)

Sponsored content

[What's this?](#)

**BRAINTREE** — The future of the water treatment plant, construction of the Petersen Pool and revitalizing the industrial parks along Granite Street are among Braintree Mayor Joseph Sullivan's priorities for 2013.

Sullivan said his top priority is maintaining the town's financial stability.

"Financial stewardship is a daily focus for us, and allows us to maintain other programs," Sullivan said during an interview in his office last week.

Sullivan estimates that the town can use the present water treatment plant at Great Pond for six to 10 more years, but the mayor wants to make a decision this year on its replacement. The options are sharing a facility with Randolph and Holbrook or building one for Braintree alone.

A regional treatment plant has been discussed, but the three towns have been unable to reach agreement on how to share its costs.

"I want to come up with a regional solution for our water supply," the mayor said. "We have to devise a 20- to 50-year plan for our water supply. We need to come to a solution with our neighbors."

Two firms have submitted proposals to build the Petersen Pool and ice rink on the Braintree High School campus, and those proposals are under review.

"I still believe we will build a Petersen Pool," Sullivan said. "We're trying to find the right partner." He said the slow economy has delayed the project, which will be built and operated by a private company.

Sullivan said state officials have approved the construction of a "splash pad" at Watson Park with some of the money left to the town by Capt. August Petersen. Sullivan hopes to break ground on the facility in March and have it up and running this summer.

The mayor also wants to lure health care companies to the industrial parks along Granite Street, and use the new liquor licenses granted the town by the Legislature to encourage the development of small restaurants.

Another goal is adding classroom space at the town's elementary schools, the mayor said.

He is also looking at moving town offices out of the former Noah Torrey School on Pond Street to either town hall or the former park department building on Union Street.

"I'm looking to continue to reform, consolidate operations," Sullivan said. "We've talked about this for a couple of years."

The rebounding real estate market provides "a good opportunity to sell" the Pond Street property, he said. He said he would favor using the property for housing.

Sullivan will further outline his priorities when he addresses the town council Feb. 5.

Starting his sixth year as mayor, Sullivan says he's still happy in the job.

"I'm enjoying the position thoroughly," he said.

Fred Hanson may be reached at [fhanson@ledger.com](mailto:fhanson@ledger.com).

**READ MORE** about this issue.

Copyright 2013 The Patriot Ledger. Some rights reserved

Comments (2)

Larry Sellers

2 days ago

Report Abuse

You must be logged in to report abuse.

CHARLES C. KOKOROS  
*President*  
*District 1*

LELAND A. DINGEE  
*At Large*

SEAN E. POWERS  
*At Large*

CHARLES B. RYAN  
*At Large*

JOHN C. MULLANEY  
*District 2*



THOMAS M. BOWES  
*Vice President*  
*District 3*

HENRY N. JOYCE  
*District 4*

RONALD E. DeNAPOLI  
*District 5*

PAUL "DAN" CLIFFORD  
*District 6*

## OFFICE OF THE TOWN COUNCIL

### A RESOLUTION IN SUPPORT OF THE PRESERVATION OF TAX-EXEMPT FINANCING

**WHEREAS**, municipal bonds are the means by which state and local governments finance the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

**WHEREAS**, under current law the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

**WHEREAS**, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

**WHEREAS**, this federal tax exemption provides a significant difference between public sector and private sector debt financing; and

**WHEREAS**, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

**WHEREAS**, the benefit of lower capital costs attributable to tax exempt financing are passed on to property taxpayers through reduced rates, greater local investments, or both; and

**WHEREAS**, from time to time Congress and the President have proposed legislation to tax – or alter the federal tax exemption of – interest on municipal bonds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Braintree Town Council opposes any efforts by Congress and this, or any future, President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration and shall be submitted to the American Public Power Association, Municipal Electric Utilities of Massachusetts and Northeast Public Power Association in support of future debate and action on preserving tax-exempt financing.

**Adopted by the Braintree Town Council**  
**February 26, 2013**  
**Order 008 13**



## **A RESOLUTION IN SUPPORT OF THE PRESERVATION OF TAX-EXEMPT FINANCING**

**WHEREAS**, municipal bonds are the means by which state and local governments finance the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

**WHEREAS**, under current law the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

**WHEREAS**, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

**WHEREAS**, this federal tax exemption provides a significant difference between public sector and private sector debt financing; and

**WHEREAS**, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

**WHEREAS**, the benefit of lower capital costs attributable to tax exempt financing are passed on to property taxpayers through reduced rates, greater local investments, or both; and

**WHEREAS**, from time to time Congress and the President have proposed legislation to tax — or alter the federal tax exemption of — interest on municipal bonds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Braintree Electric Light Commission opposes any efforts by Congress and this, or any future, President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be submitted to the American Public Power Association, Municipal Electric Utilities of Massachusetts and Northeast Public Power Association in support of future debate and action on preserving tax-exempt financing.

**Adopted by the Braintree Electric Light Commission  
January 29, 2013  
Braintree, MA**



150 Potter Road  
Braintree, MA 02184  
www.beld.com  
781.348.BELD  
781.348.1004 fax



*General Manager*  
William G. Bottiggi

*Commissioners*  
Anthony L. Agnitti  
James P. Regan  
Thomas J. Reynolds

February 4, 2013

The Honorable Stephen F. Lynch  
The United States House of Representatives  
2133 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Lynch:

As you know, Braintree Electric Light Department (BELD) is a small municipal utility. And like you, we are closely watching the fiscal cliff negotiations. Of most concern to us is the effect these decisions will have on state and local governments like ours, including proposals to alter the tax treatment of municipal bonds and to cap the exclusion for interest on those bonds. This cap appears to be on the table in the final negotiations.

Such a cap could have a grave impact on BELD. Like all state and local governments and publicly-owned utilities, we rely on tax-exempt bonds to finance infrastructure improvements. A cap on deductions at the levels being discussed—if it were to include the current exclusion for interest on municipal bonds—will effectively impose a federal tax on most if not all state and local bond interest paid to individuals.

Because we are not eligible for tax incentives available to private entities, such a tax would severely reduce our ability to finance infrastructure investments necessary for economic growth in our community.

The goal of federal deficit reduction is laudable, but we call on Congress to reject any proposal that would balance the federal budget on the backs of state and local governments and—by extension—our citizens and ratepayers. A federal tax, however imposed, on municipal debt will damage BELD's fiscal health and have broad impacts on our ratepayers and your constituents.

Your efforts to oppose this legislation would be greatly appreciated.

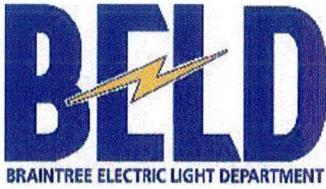
Sincerely,

James P. Regan  
Chairman, Braintree Municipal Light Board

Enclosure



*Your hometown electric and broadband department*



## **A RESOLUTION IN SUPPORT OF THE PRESERVATION OF TAX-EXEMPT FINANCING**

**WHEREAS**, municipal bonds are the means by which state and local governments finance the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

**WHEREAS**, under current law the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

**WHEREAS**, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

**WHEREAS**, this federal tax exemption provides a significant difference between public sector and private sector debt financing; and

**WHEREAS**, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

**WHEREAS**, the benefit of lower capital costs attributable to tax exempt financing are passed on to property taxpayers through reduced rates, greater local investments, or both; and

**WHEREAS**, from time to time Congress and the President have proposed legislation to tax — or alter the federal tax exemption of — interest on municipal bonds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Braintree Electric Light Commission opposes any efforts by Congress and this, or any future, President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be submitted to the American Public Power Association, Municipal Electric Utilities of Massachusetts and Northeast Public Power Association in support of future debate and action on preserving tax-exempt financing.

**Adopted by the Braintree Electric Light Commission  
January 29, 2013  
Braintree, MA**

*Your community owned electric and communications utility*



150 Potter Road  
Braintree, MA 02184  
www.beld.com  
781.348.BELD  
781.348.1004 fax



*General Manager*  
William G. Bottiggi

*Commissioners*  
Anthony L. Agnitti  
James P. Regan  
Thomas J. Reynolds

February 4, 2013

The Honorable Elizabeth Warren  
The United States Senate  
Russell Senate Office Building  
2 Russell Courtyard  
Washington, DC 20510

Dear Senator Warren:

As you know, Braintree Electric Light Department (BELD) is a small municipal utility. And like you, we are closely watching the fiscal cliff negotiations. Of most concern to us is the effect these decisions will have on state and local governments like ours, including proposals to alter the tax treatment of municipal bonds and to cap the exclusion for interest on those bonds. This cap appears to be on the table in the final negotiations.

Such a cap could have a grave impact on BELD. Like all state and local governments and publicly-owned utilities, we rely on tax-exempt bonds to finance infrastructure improvements. A cap on deductions at the levels being discussed—if it were to include the current exclusion for interest on municipal bonds—will effectively impose a federal tax on most if not all state and local bond interest paid to individuals.

Because we are not eligible for tax incentives available to private entities, such a tax would severely reduce our ability to finance infrastructure investments necessary for economic growth in our community.

The goal of federal deficit reduction is laudable, but we call on Congress to reject any proposal that would balance the federal budget on the backs of state and local governments and—by extension—our citizens and ratepayers. A federal tax, however imposed, on municipal debt will damage BELD's fiscal health and have broad impacts on our ratepayers and your constituents.

Your efforts to oppose this legislation would be greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "James P. Regan", is written over a horizontal line.

James P. Regan  
Chairman, Braintree Municipal Light Board

Enclosure



*Your hometown electric and broadband department*



## **A RESOLUTION IN SUPPORT OF THE PRESERVATION OF TAX-EXEMPT FINANCING**

**WHEREAS**, municipal bonds are the means by which state and local governments finance the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

**WHEREAS**, under current law the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

**WHEREAS**, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

**WHEREAS**, this federal tax exemption provides a significant difference between public sector and private sector debt financing; and

**WHEREAS**, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

**WHEREAS**, the benefit of lower capital costs attributable to tax exempt financing are passed on to property taxpayers through reduced rates, greater local investments, or both; and

**WHEREAS**, from time to time Congress and the President have proposed legislation to tax — or alter the federal tax exemption of — interest on municipal bonds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Braintree Electric Light Commission opposes any efforts by Congress and this, or any future, President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to our Congressional Representatives and key members of the Administration.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be submitted to the American Public Power Association, Municipal Electric Utilities of Massachusetts and Northeast Public Power Association in support of future debate and action on preserving tax-exempt financing.

**Adopted by the Braintree Electric Light Commission  
January 29, 2013  
Braintree, MA**